IN THE MATTER of the Resource Management Act 1991(RMA)

AND

IN THE MATTER Resource Consent Applications by Northport Ltd – Port Expansion Project at Marsden Point.
Application Numbers:
Whangarei District Council: LU2200107
Northland Regional Council: APP.040976.01.01

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

PLANNING

09 November 2023

Expert Conferencing Held on: 09 November 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Emma Cairncross

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

(a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
(b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
(c) They will make themselves available to appear before the Panel;
(d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Comments on the process to revise proposed conditions

Makarena Dalton advised to the expert conferencing session that she does not think she can meaningfully contribute to the conferencing of conditions at this point as the latest version was received the night prior to the conferencing. She understands that there have been ongoing discussions between the experts for the Applicant and the two Councils and whilst this is appropriate, she records that she has not been party to those ongoing discussions. On this basis, she left the expert conferencing session before it was completed, noting that the conditions that have been "ringfenced" in Item 3.3 below.

Linda Kirk advised to the expert conferencing session that she has not had the opportunity to review the latest versions of the NRC and WDC conditions as received the night prior to conferencing. She has reviewed an earlier version of the NRC proposed conditions received on 6 November from Brett Hood. As she has not workshopped any of the conditions with the experts for the Applicant and two Councils, she is not familiar with the conditions being discussed at this expert conference. She notes the conditions that have been "ringfenced" in Item 3.3 below. Linda Kirk advised that following this expert conference session, she will seek to provide any further comments on the latest version of avifauna-related proposed conditions to Blair Masefield, Brett Hood and Phil Mitchell as soon as possible, noting that Blair Masefield's s42A Addendum will be closed off by COB Tuesday 14 November 2023.

3.2 Transport Conditions (62-72)

Attachment 1 contains a table which sets out in three columns the different opinions of the experts. With the exception of minor amendments to improve clarity and use of consistent terminology for monitoring purposes, unresolved matters relate to crash monitoring mitigation (Ms Crafer and Ms Heppelthwaite's proposed conditions 64A-64C) and upgrading of intersections (Ms Crafer and Ms Heppelthwaite's proposed conditions 70A and 70B).

3.3 Balance of the conditions (not including transport)

Attachment 2 contains the balance of the conditions being discussed in this expert conference, except for the following topics where the proposed conditions are subject to ongoing discussions between experts for various parties:

- Cultural (the condition numbers related to these conditions are not included in **Attachment 2**. It is anticipated that proposed conditions will be included in the Applicant Right of Reply).
- Dredging/turbidity (NRC Conditions 119-199).
- Recreation (WDC Condition 34-36).
- Marine mammals (NRC Conditions 69-83, 101-102).
- Operational stormwater (NRC Conditions 220-224).
- WDC conditions (17) being split into two sets of conditions:
    - Port activities on reclamation; and
    - Other land use activities (construction-related)
    - Comment from Stacey Sharp and Brett Hood: the experts agree that splitting the conditions into two sets is required. The experts agree that the lapse date for the port activities on reclamation should be five years (being from the completion of the reclamation (s245 and s116 of the RMA)). The unresolved matter relates to the lapse date to be attached to the other land use activities (construction-related) set of conditions. Currently, the unresolved matter is a lapse date of either ten years (Council) or 20 years (Applicant). The s42A Addendum will contain the split version of the proposed conditions.

3.4 Blair Masefield NRC Conditions

Blair Masefield's current opinion of the proposed NRC conditions in **Attachment 2** is set out in the table below.

'Agreed' in column 2 means agreement between Blair Masefield, Brett Hood and Phil Mitchell. Columns 3 and 4 are Blair Masefield's current position on the conditions identified, and amended wording will be included in the s42A Addendum.

1. Topic heading	2. Agreed	3. Agreed subject to amendments	4. Comments
Definitions	All (not numbered)		Exemption turbidity definitions
General	1 – 9, 12-19, 21-26,	10, 20, 27	Add Consent Triggers – Marsden Rail and 4 Lanes Add Cost escalation for CPI adjustment
Unauthorised Discharges	28-30		
Design and Construction of Structures	31-35, 37-38, 45-50, 52	36, 39-44 – words agreed structure can be improved 51	Delete 34 – unnecessary as is covered by 31(f) 36 needs to be consistent wording with 39 39-44 changes need submitter review (Seafuels and Channel I) 51 – legal instruments need to be in perpetuity
Environmental Mitigation	53-57		Agreed subject to removal of augier reference in Duneland advice note
Construction Management	59-68, 84, 86-88, 90-100	58, 69-83, 85, 89, 101-102	58 – expert advice is to use: NZS 6803: 1999 Acoustics – Construction noise 85, 89 – agreed subject to TSS value being reduced 69-83, 101-102 Marine mammals – supported, awaiting confirmation of no changes from marine mammal expert
Commercial Shipping	103-118		Condition for HazOps to be added
Dredging			Approach agreed, discussion between Applicant and NRC experts on content ongoing
Sandbank	200, 202-204	201 – monitoring frequency needs to increase	
Coastal Processes	205, 207-208	206	More definition on the methodology needed
Marine Biosecurity	209-214		
Occupation and Use	215-218		
Earthworks	219		
Operational Stormwater		220-231	Approach now to 'at source' supported. NP and NRC experts to confer on wording and values in 225 New condition to address potential groundwater contamination from the SW system being considered
Air	232-225		
Cultural			Noted
Port Noise		236	Add sentence to cross reference to WDC conditions so they clearly apply to the CMA as well
Marine Ecology			Shellfish spatting conditions to be proposed to address ecological effects of reclamation footprint
Avifauna			Operational phase Avifauna mgmt. plan condition
Expiry		Reclamation duration being considered	

3.5 Stacey Sharp WDC Conditions

Stacey Sharp's current opinion of the proposed WDC conditions in **Attachment 2** is set out in the table below.

'Agreed' in column 2 means agreement between Stacey Sharp, Brett Hood and Phil Mitchell. Columns 3 and 4 are Stacey Sharp's current position on the conditions identified, and amended wording will be included in the s42A Addendum.

Stacey Sharp notes that "ring-fenced" (refer to Item 3.3 above) topic conditions are not included in the table below (17 – lapse, 34 – 36 – recreation, and cultural conditions – removed from Mr Hoods condition set).

1. Topic Heading	2. Agreed	3. Agreed, subject to amendments	4. Comments
Definitions	All (not numbered)		
General			
General	1 – 5		
Complaints	6 – 7		
Certification	8 – 10		
Website			New conditions proposed, as per NRC website conditions
Review	12	11	
Stakeholder and Communications Management Plan	13 – 16		
Consent surrenders	18		
Design and Construction of Recreational Features and Transport Infrastructure			
Engineering approval	20 – 25	19	
Pocket Park - Maintenance	26 – 28		
Landscape planting	29 – 33		
Construction			
Accidental discovery protocols	37 – 39		
Construction noise	40 – 41		
Construction Traffic Management Plan (CTMP)	43 – 45	42	
Construction Environmental Management Plan (CEMP)	46, 48 – 51	47	
Public access during construction	52		
Pavement damage to Ralph Trimmer Drive during construction	53 – 54		
Port Operation			
Port Activities - location			Recommend condition 55 is deleted and replaced with new conditions relating to use of reclamation to reflect scope of technical assessments
Port noise limits	57 – 58	56	
Port noise mitigation	59 – 60, 62	61	
Port Noise Management Plan (PNMP)	64 – 67	63	
Operational lighting	69 – 70	68	
Transport			Refer Attachment 1, noting additional conditions proposed to address matters including car parking
Buildings, stockpiles, and major structures	72	71	
Public access	74 – 76	73	
Landscape planting	77		

3.6 Further editing

Brett Hood, Phil Mitchell, Blair Masefield and Stacey Sharp record that separate from substantive changes to the content of the conditions, they acknowledge that there will need to be further editing and checking that may alter the numbering and structure of the conditions to improve clarity, useability and cross-referencing.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

(a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
(b) They agree to the introduction of the attached information – Refer to Items 3.2 and 3.3 above; and
(c) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
(d) The matters addressed in this statement are within their area of expertise; and
(e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 09 November 2023

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Stacey Sharp – Reporting Officer (Planner)	Whangārei District Council	Yes
Blair Masefield – Reporting Officer (Planner)	Northland Regional Council	Yes
Linda Kirk – Planner	Department of Conservation	Yes
Makarena Dalton – Planner	Patuharakeke Iwi Trust Board	Yes – participated from 11:00-12:30 – refer to Agenda Item 3.1
Phil Mitchell – Planner	Northport	Yes
Brett Hood – Planner	Northport	Yes
Cath Heppelthwaite – Planner	Waka Kotahi NZ Transport Agency	Yes – participated in Agenda Item 3.2

Attachment 1

Attachment 1: Transport Conditions For Expert Conferencing 9 November 2023

Editing Notes:

Blue underline/~~strikethrough~~ are Ms Sharp/Mr Inman's amendments.

Blue [xx] indicates updated/corrected condition numbers.

Mr Hood/Mr Mitchell Conditions (Northport)	**Ms Crafer/Ms Heppelthwaite's opinion/preferred conditions (Waka Kotahi)**	**Ms Sharp/Mr Inman's recommended conditions (WDC Reporting Officer and Transport Specialist)**
Operational transport 62. Conditions 63-72 apply upon the commencement of Expansion Project Port Activities (excluding Expansion Project construction).	Agree with Ms Sharp.	Agree with Northport condition – not all transport conditions are prefaced with timing introductions.
Crash monitoring assessment 63. No later than 12 months following commencement of Expansion Container Terminal Project Port Activities, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a "Crash Monitoring Assessment", utilising Waka Kotahi's Crash Analysis System (CAS). Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially for twenty years. The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5-year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections. The "Crash Monitoring Assessment" shall include details of: (a) The number of crashes, identifying those involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes; and (b) Any mitigation recommended to address safety concerns.	Retain condition with Ms Sharp's amendments.	Agree, subject to the following amends. Council acknowledges the current information constraints of CAS and in consideration of the long-term duration of these consents, flexibility is sought to enable a greater level of information capture if that information is available at the time. **Recommended amended wording:** Crash monitoring assessment 63. No later than 12 months following ~~commencement of Expansion Container Terminal Project Port Activities~~ Practical Completion, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a "Crash Monitoring Assessment", utilising Waka Kotahi's Crash Analysis System (CAS) or equivalent at the time. Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially (every two years) for twenty years. The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5-year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections. The "Crash Monitoring Assessment" shall include details of: (a) The number and type of crashes, identifying those involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes; (b) Vehicle type, weather, date/time of the crash (where such information is available); and (b) Any mitigation recommended to address safety concerns.

64. The consent holder must provide a copy of the Crash Monitoring Assessment to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion. **Advice Note:** For the avoidance of doubt, nothing in Conditions 63-64 makes the Consent Holder responsible for safety improvements on SH15.	First paragraph agreed. Advice Note not agreed, not necessary. Conditions 64A to 64C do not require Northport to provide safety improvements.	Agree with proposed Northport wording – advice note adds clarity to implementation of conditions. **Recommended wording:** As per Northport condition (retention of advice note).
WK conditions 64A-C not agreed because Northport expansion traffic may not be contributing to any crash related effects, but it could be restricted regardless, or Northport is required to implement safety measures that are not entirely related to Northport expansion traffic.	**Insert three conditions following [64]:** [64A] Within three (3) months of submitting the Crash Monitoring Assessment under condition [64], provide written evidence to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority to demonstrate how any recommendations of the Crash Monitoring Report have been, or are in the process of being implemented. [64B] Until any mitigation recommended in the Crash Monitoring Assessment is implemented, combined traffic volumes at all Northport entry and exit points must be kept below the volumes listed in Table 2 of Condition [67]. [64C] A Northport Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies the AM and PM peak hour volumes at the entry and exit points to Northport and if compliance with [64B] is not achieved, methods the consent holder will engage to reduce traffic volumes to a compliant level.	Disagree with Waka Kotahi condition. Based on feedback received from Mr Inman, there is no clear evidentiary basis to directly attribute the findings from the Crash Monitoring Assessment to the activities authorised by these consents. As such, the requirements of s108AA of the RMA are not satisfied, unless the Applicant agrees to the condition. Refer to s42A Addendum for further commentary.
<u>SH15 Traffic monitoring report</u> 65. No later than 18 months following commencement of Expansion Project Port Activities, the consent holder must prepare a SH15 Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available. *Advice Note: The telemetry station site is located on SH15, just north-east of Bens View Road.* Thereafter, the consent holder must undertake a SH15 Traffic Monitoring Report either: (a) Annually for the duration of these consents, or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or (b) Once every three years for the duration of these consents, or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the consent holder is required to collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site).	Retain condition with Ms Sharp's amendments.	Agree, subject to the following amends. **Recommended amended wording:** <u>SH15 Traffic monitoring report</u> 65. No later than 18 months following commencement of ~~Expansion Project Port Activities~~ <u>Practical Completion</u>, the consent holder must prepare a SH15 Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available. *Advice Note: The telemetry station site is located on SH15, just north-east of Bens View Road.* Thereafter, the consent holder must undertake a SH15 Traffic <u>M</u>onitoring <u>R</u>eport either: (a) Annually for the duration of these consents, or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or (b) Once every three years for the duration of these consents, or until the intersections in Condition 67 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the consent holder is required to

The purpose of the SH15 Traffic Monitoring Report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following: (i) 970 vph two-way; or (ii) 670 vph one way; for three or more days in any calendar month. The consent holder must submit a copy of each SH15 Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.		collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site). The purpose of the SH15 Traffic Monitoring Report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following: (i) 970 vph two-way; or (ii) 670 vph one way; for three or more days in any calendar month. The consent holder must submit a copy of each SH15 Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.
Assessment of Port Traffic 66. If the SH15 Traffic Monitoring Report required by Condition 65 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must engage a Suitably Qualified and Experienced person to: (a) conduct a survey of all port traffic measured at or near all the Northport entry and exit points, and (b) determine the contribution that port traffic makes to the total traffic volumes at the relevant intersection(s).	Retain condition with Ms Sharp's amendments.	Agree, subject to the following amends. **Recommended amended wording:** Assessment of Port Traffic 66. If the SH15 Traffic Monitoring Report required by Condition 65 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must engage a Suitably Qualified and Experienced person to: (a) conduct a survey of all port traffic, including Expansion Project traffic, measured at or near all the Northport entry and exit points (Port traffic Survey), and (b) determine the contribution that all port traffic, including Expansion Project traffic, makes to the total traffic volumes at the ~~relevant~~ intersection(s) identified in Table Two (condition 67). The consent holder must submit the results of the Port Traffic Survey to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within three months of the SH15 Traffic Monitoring Report being provided by condition 65.
67. If the survey of all port traffic demonstrates that port traffic volumes are in excess of one or more of the Trigger Volumes in Table two (below), the consent holder must, within seven days, advise the Council and Waka Kotahi NZ Transport Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with: (a) Reduce and maintain all port traffic below the levels in Table two; or (b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition 69.	Table 2 "400" not agreed as highlighted. Reserve position on Ms Sharp's inclusion of "peak". Agree with other amendments proposed by Ms Sharp.	Agree with Waka Kotahi position, with the following amends. Reserve position on the triggers relating to Vehicles per Hour (VPH) within peak periods (e.g. 700 movements per hour across the peak period of 6.30am - 8.30am), as opposed to a total movement restriction across the peak period (e.g. 700 movements in total between 6.30am - 8.30am). **Recommended amended wording:** 67. If the survey of all port traffic, including Expansion Project traffic, demonstrates that all port traffic volumes are in excess of one or more of the Peak Trigger Volumes in Table two (below), the consent holder must, within seven days, advise the Council and Waka Kotahi NZ Transport

Table Two: Port Traffic Trigger Volumes

Intersection	Northport Inbound AM Peak Hour Trigger Volumes	Northport Outbound AM Peak Hour Trigger Volumes	Northport Inbound PM Peak Hour Trigger Volumes	Northport Outbound PM Peak Hour Trigger Volumes
SH15/Marsden Bay Drive	700	200	300	600
SH15/Marsden Point Road	700	200	400	700
SH15/One Tree Point Road	300	200	200	300

Advice Note: *For the purpose of these consents, the AM Peak* hours are *between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, weekdays excluding public holidays.*

Intersection	Northport Inbound AM Peak Hour Trigger Volumes	Northport Outbound AM Peak Hour Trigger Volumes	Northport Inbound PM Peak Hour Trigger Volumes	Northport Outbound PM Peak Hour Trigger Volumes
SH15/Marsden Bay Drive	700	200	300	600
SH15/Marsden Point Road	700	200	200	700
SH15/One Tree Point Road	300	200	200	300

Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with:

(a) Reduce and maintain all port traffic below the Peak Trigger Volumes ~~levels~~ in Table two; or

(b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition 69.

Table Two: Port Traffic Peak Trigger Volumes

Intersection	Northport Inbound AM Peak Hour Trigger Volumes	Northport Outbound AM Peak Hour Trigger Volumes	Northport Inbound PM Peak Hour Trigger Volumes	Northport Outbound PM Peak Hour Trigger Volumes
SH15/Marsden Bay Drive / Rama Road	700	200	300	600
SH15/Marsden Point Road	700	200	200	700
SH15/One Tree Point Road / McCathie Road	300	200	200	300

Advice Note: *For the purpose of these consents, the AM Peak* hours are *between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, weekdays excluding public holidays.*

68. If the Consent Holder has elected to reduce and maintain all port traffic below the levels in Table 2, then within two months of the initial exceedance of the traffic volume triggers in Table 2, the consent holder shall provide a report to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that: i. Traffic volumes are compliant with the limits specified in Table 2 above; or ii. Traffic volumes remain in excess of the limits specified within Table 2 above.	Replace with [68] with [68A] below.	Agree with Ms Heppelthwaite that Mr Hood's condition [68] is replaced with Ms Heppelthwaite's conditions [68] with [68A], as set out below.
Not agreed	**Insert new [68A] :** [68A] If the Consent Holder has elected to reduce and maintain all port traffic below the levels in Table 2 [condition 67], then within two months of the initial exceedance of the traffic volume triggers in Table 2, the consent holder shall provide a report to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that: i. Traffic volumes are compliant with the limits specified in Table 2 above; or ii. Traffic volumes remain in excess of the limits specified within Table 2 above.	Agree with Ms Heppelthwaite's recommended wording, subject to amends, noting the only notable addition is the last paragraph – the rest is duplication of NP condition 68. **Recommended amended wording** [68A] If the Consent Holder has elected to reduce and maintain all port traffic, including Expansion Project traffic, below the levels in Table 2 [condition 67], then within two months of the initial exceedance of the peak traffic volume triggers in Table 2, the consent holder shall provide a report to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that:

	If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2 then it must action condition [70]. Accept Ms Sharps amendments to [68A].	i. Traffic volumes are compliant with the limits specified in Table 2 above; or ii. Traffic volumes remain in excess of the limits specified within Table 2 above. If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2 (condition 67) then it must action condition ~~[70]~~ 69 and 70A.
Intersection assessment report 69. The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) where the trigger volumes in Condition 67 (Table 2) have been exceeded. The report must include: (a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods. (b) Intersection modelling methodologies and expected operation of these intersections, including LOS, queueing, and delays for 3 traffic volume scenarios: (i) Using the observed data; and (ii) Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth. (c) Safe System assessments for the relevant intersection(s) listed in Table 2. (d) Recommended mitigation to address safety and operational concerns to achieve: (i) LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic); and (ii) A degree of saturation for turning movements no higher than 95%; (e) Measures to reduce all port traffic in the AM and PM peak hours in the interim period between notice being given under Condition 71 and the intersection(s) being upgraded.	Retain condition with: a. deletion of Mr Hoods (e); b. inclusion of Ms Sharp's amendments; and c. inclusion of 70A and 70B.	Agree, with the following amends. **Recommended amended wording** Intersection assessment report 69. If required by these conditions, the consent holder shall engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report. The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) where the trigger volumes in Condition 67 (Table 2) have been exceeded. The report must include: (a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods. (b) Intersection modelling methodologies and expected operation of these intersections, including Level of Service (LOS), queueing, and delays for 3 traffic volume scenarios: (i) Using the observed data; and (ii) Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth. (c) Safe System assessments for the relevant intersection(s) listed in Table 2. (d) Recommended mitigation to address safety and operational concerns to achieve: (i) LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic generated by activities authorised by these consents); and (ii) A degree of saturation for turning movements no higher than 95%.~~;~~ ~~(e) Measures to reduce all port traffic in the AM and PM peak hours in the interim period between notice being given under Condition 71 and the intersection(s) being upgraded.~~

70. A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of Condition 67(b) being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option.	Retain condition with Ms Sharp's amendments.	Agree, subject to amends. **Recommended amended wording** 70. A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of: (i) Condition 67(b) being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option; or (ii) Condition 68A(ii) being activated.
Not agreed. Restricts traffic from a commercial port and/or places burden of upgrade entirely onto Northport.	**Insert conditions**: [70A] Until the recommended mitigation is implemented at the intersection(s), traffic volumes at the Northport entry and exit points must be kept below the volumes listed in Table 2 of Condition [67]. If compliance with 62B is not achieved, the consent holder will engage methods to reduce traffic volumes to a compliant level. [70B] A Northport Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies what the AM and PM peak hour volumes are at the entry and exit points to Northport. Accept Ms Sharps amendments to [68A].	Agree, subject to amends. **Recommended amended wording** [70A] Until the recommended mitigation detailed within the Intersection Report (required by condition 69) is implemented at the intersection(s), traffic volumes for all port traffic at the Northport entry and exit points must be kept below the peak trigger volumes listed in Table 2 of Condition [67]. If compliance with 62B is not achieved, the consent holder will engage methods to reduce traffic volumes to a compliant level. [70B] Until the recommended mitigation detailed within the Intersection Report (required by condition 69) is implemented at the intersection(s), a ~~Northport~~ Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies what the AM and PM peak hour volumes are at the entry and exit points to Northport.
Funding contribution to upgrade of local road intersections 71. If the Intersection Assessment Report submitted under Condition 70 identifies the need to upgrade one or more of the three critical intersections, the Consent Holder must provide written notice to Waka Kotahi and/or other relevant road controlling authority of the Consent Holders requirement to provide a contribution to intersection upgrade funding in accordance with Condition 72 in conjunction with the report submitted under Condition 70.	Not agreed.	Not agreed, in reliance on Ms Heppelthwaite's advice that Waka Kotahi prefer that funding discussions and contributions are more appropriately addressed outside of conditions.
72. The funding required under Condition 71 must be calculated in accordance with the following process and formula: (a) Determine the cost of the upgrading works necessary to achieve intersection LOS-D and degree of saturation for turning movements no higher than 95%.	Not agreed.	As above, not agreed.

(b) Determine the proportion (%) of Expansion Project Port Activities traffic relative to general traffic that is resulting in the need to upgrade the intersection(s). (c) The Consent Holder will engage with Waka Kotahi to determine the provision of funding in accordance with the above condition.		
70. A contribution required under Condition 71 must be paid within 3 months of Waka Kotahi confirming that is has secured the remaining funds necessary to complete the intersection upgrading.	Not agreed.	As above, not agreed.
<u>Active modes connection (Augier condition)</u> 71. In the event that a future cycling route between Ruakaka and Marsden Cove gains funding for detailed design and/or implementation, the consent holder must investigate and implement an active modes connection from Northport to the new route, except that the Northport connection is not required to extend beyond Mair Road. The active modes connection is not required to be on land owned by the consent holder.	Not agreed. Replace with: [74] If an active modes routes along Mair Road or Rama Road (connecting to Ruakākā) or Marsden Bay Drive (connecting SH15 to Marsden Cove) gains funding for detailed design and/or implementation, the consent holder must implement an active modes connection from Northport to the new route(s).	Defer to recreation conditions.

Attachment 2

DRAFT PROPOSED NRC CONDITIONS: NORTHPORT LIMITED (FOR 9.11.23 CONFERENCING)

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]**
[…]	**[…]**

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 Environmental Management Plan;
"Certification"	has the meaning set out in Condition 24;
"Channel Infrastructure"	means Channel Infrastructure NZ Ltd and its wholly-owned subsidiaries and any successor in title to some or all of its coastal structures including existing jetties (including the fire pump intake dolphin moorings and spillway) and other coastal structures including outfalls and a boat ramp;

"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 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 reclamation and wharf construction and all associated 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 the document titled *"Turbidity Monitoring for the Northport Expansion Project"* (1 June 2023, Environmetrics Australia) in **Appendix 2**, and the following percentiles: (i) Tier 1: 80% (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;
"MMO"	A suitably qualified and experienced person (holding a tertiary ecology or similar qualification and experience working with marine mammals, or a person with at least 2 years marine mammal observation experience from similar projects) that has successfully completed an appropriate MMO

	training course, followed by a 1 day on site training course delivered by a suitably qualified marine scientist.
"MMOZ"	means Marine Mammal Observation Zone;
"NTU"	means nephelometric turbidity unit;
"Pocket Park"	means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell *"Proposed Concept Plan",* BM220519-201 (Revision B, 25.7.22) at **Appendix 1**.
"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 experience relevant to the topic being assessed;
"Tier 3 Compliance Level"	Means the turbidity compliance level for each of the telemetered turbidity monitoring locations established in accordance with condition 163 and the document titled *"Turbidity Monitoring for the Northport Expansion Project"* (1 June 2023, Environmetrics Australia) in **Appendix 2**;
"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.

"Wharf" means the wharf structure to be constructed adjacent to the proposed reclamation, which is proposed to accommodate Berth 5, as shown in "Plan Reference" at Appendix 1.

GENERAL CONDITIONS

1. The consent holder must undertake all activities authorised by these consents in general accordance with the descriptions and plans plans referenced in **Tables 1-A** and **1-B** below.. In the event of any inconsistency between this information and these conditions, the conditions must prevail.

Table 1-A: Approved Reports

Report title and reference	Author	Rev	Dated

Table 1-B: Approved Plans/Drawings

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**.

***Advice note**: 'General accordance' includes any changes to the location and extent of the reclamation, wharf, tug berthing facility and water taxi pontoon required by Condition 32 or Condition 40, noting the extent of occupation of these structures (excluding the rock revetment below MHWS) cannot increase or extend further seaward from the footprint shown in the plans in Appendix 1 as an in general accordance change.*

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

(b) A draft programme for the CEMP and any other design plan, engineering plan, report or management plan required to be submitted for certification under these conditions (if not already provided).
(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) The nominated Consent Holder contact and contractor representative (or equivalent) for the works
(e) Any intended staging of the CEMP and works.
(f) A list of the proposed Suitably Qualified and Experienced Persons and Chartered Engineers proposed to be used in preparation of any design plans, engineering plan(s), report, or management plan requiring Council certification.

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

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.

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.

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

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 authorised by these consents.

9. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).

Review under s128 of the RMA

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 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.

(b) 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.

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

Accidental discovery protocol

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. Heritage NZ Pouhere Taonga and the Council must be notified as soon as reasonably practicable.

13. 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.

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, 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.*

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 Expansion Project.

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

    (a) Identify the stakeholders for communication;

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

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

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

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

    (f) Respond to queries and complaints; and

    (g) 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, Seafuels, affected landowners, tangata whenua, community groups, recreational boating groups, Mountains to Sea Conservation Trust,

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

19. The consent holder must, for the duration of these resource consents, maintain a website that is accessible to, and readily usable by, the public. The website must be updated at least annually.

20. Prior to Commencement 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:

(c) Copies of these resource consents;

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

(e) Quarterly monitoring reports prepared under [INSERT CONDITION REFERENCE]

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

(g) Any Tier 3 Compliance Level Exceedance report prepared under [INSERT CONDITION REFERENCE]

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

(i) All written reports, peer reviews, written evidence, reviews, and outcomes and recommendations prepared under these consent conditions;

(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

(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.

Complaints

22. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:

(a) Name of complainant, if provided to the consent holder;

(b) The date and time of the complaint;

(c) A description of the complaint;

(d) The location of the issue raised;

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

(f) Any possible cause of the issue raised;

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

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

(i) Any feedback provided to the complainant.

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.

Certification

24. Where any condition requires the consent holder to submit design plans, engineering plans a report or management plan to the Council for "**certification**" it must mean the process set out in the following paragraphs (a) to (d) and the terms "certify" and "certified" must have the equivalent meanings:

(a) The consent holder supplies design plans, engineering plans, reports or management plans to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, 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;

(b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;

(c) If the Council's response is that it is not able to certify a design plan, engineering plan, 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 design plan/engineering plan/management plan/report for certification;

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

25. This process in condition 24 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

26. The consent holder must comply with the certified management plan or report at all times.

Lapse

27. These consents shall lapse 20 years from commencement.

UNAUTHORISED DISCHARGES / HAZARDOUS SPILLS

28. During construction the consent holder must take all practicable measures to prevent unauthorised discharges of hazardous substances into the CMA. Such measures must include:

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

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

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

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

(e) All vehicles and/or works areas having a spill kit capable of absorbing the quantity of fuel and other hazardous substances that may leak or be spilt; and

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

***Advice Note**: Nothing in condition 28 is intended to affect existing obligations under other legislation, including the Maritime Transport Act and associated statutory instruments such as marine protection rules.*

29. The consent holder must, on becoming aware of any discharge and/or spill associated with the consent holder's operations that is not authorised by these consents:

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

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

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

(d) Report to the Council in writing within one (1) week on the cause of the discharge and the steps taken or being taken to effectively manage the discharge and prevent any recurrence.

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

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

30. In addition to the requirements in condition 30, for any spill of a hazardous substance into the CMA that is greater than 20 litres, the consent holder must provide the Council with the following information within 24 hours:

(a) The date, time, location and estimated volume of the spill;

(b) The cause of the spill;

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

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

(e) Clean up procedures undertaken;

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

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

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

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

Engineering Plans

31. The consent holder must submit detailed engineering plans (including drawings and calculations if applicable) prepared in accordance with an appropriate design standard / guideline and any other requirements of the conditions of this consent, to the Council for certification prior to works commencing. These can be submitted in stages. The plans shall include:

(a) Berth 5 reclamation, and revetment,;

(b) Berth 5 wharf, sea wall(s), and associated coastal structures;

(c) Tug facility, and Water taxi pontoon.

(d) Sandbank Renourishment Area;

(e) Stormwater infrastructure, including:

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

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

(f) *a staging plan to demonstrate how the terminal at a later date can be modified from Reach stacker operations to RTG crane terminal operations so as not to reduce capacity and delays through construction and avoid the need for additional coastal occupation.*

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

33. 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.

34. The engineering plans must include details to demonstrate how the terminal at a later date can be modified to enable new infrastructural and/or technological changes to increase throughput capacity of terminal operations.

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

Reclamation design and construction

35. The reclamation must be constructed within the area marked 'Proposed Reclamation' on plan C03 contained in **Appendix 1.**

36. The reclamation must be designed by a suitably experienced Chartered Professional Engineer, with input from other relevant specialists.

37. 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).

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

(a) Dredge Spoil; and/or

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

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

Marine structures design and construction

39. The design of the reclamation, wharf, tug berthing facility, and Water Taxi Pontoon must:

(a) be prepared by a suitably experienced Chartered Professional Engineer

(b) not give rise to any navigation or safety effects, including on the operation of the adjacent Channel Infrastructure jetties (including shipping movements to and from Channel Infrastructure's jetty 3) and in respect of recreational conflicts.

(c) be reviewed by aan independent Suitably Qualified and Experienced person to confirm that there are no navigation or safety issues effects associated with the design including, but not limited to, in respect of the operation of the adjacent Channel Infrastructure jetties. This safety assessment will take account of including shipping movements to and from Channel Infrastructure's jetty 3 and potential recreational conflicts. The designreview shall be submitted have regard to Council for certification at least two (2) months prior to construction of these structures and incorporate where appropriate:

(i) any recommended changes to the design to manage predicted changes to hydrodynamics and minimise effects on the Channel Infrastructure structures (including berth pockets) and turning basin, including the mooring of commercial vessels frequenting the Channel Infrastructure structures set out in the report required by condition 1147(a)(ii) and (iii); and

(ii) any outcomes and recommendations of the Full Mission Bridge Simulations required by [INSERT CONDITION REFERENCE], to be provided to Channel Infrastructure and Seafuels at the same time as the independent Suitably Qualified and Experienced person; and

(d) be provided to Channel Infrastructure, along with the results of the independent review required by [INSERT CONDITION REFERENCE], with an opportunity for Channel Infrastructure and Seafuels to make comment within 20 working days on navigation or safety effects associated with the operation of the adjacent Channel Infrastructure jetties including shipping movements to and from Channel's jetty 3, and including in relation to successive versions of the design before it is finalised;

(e) be updated to address any effects identified in the independent review required by condition (c) above and respond to and reasonably incorporate any comments provided by Channel Infrastructure or Seafuels pursuant to (d) above;

(f) be submitted to the Council for certification at least three (3) months prior to construction of the reclamation or structures, along with the results of the independent review required by condition (c) above, any updates to respond to the independent review required by condition (c) above, and/or any comments provided by Channel Infrastructure or Seafuels pursuant to (d) above and where incorporated, that practicable alternatives have been considered.

40. For the purposes of Condition 40:

(a) The design of the reclamation, wharf, tug berthing facility, and Water Taxi Pontoon, includes the design detail, as well as the extent and location of each structure and the berthing of ships at these structures.

(b) Navigation and safety effects includes (but is not limited to) the effects of vessels berthed at the Wharf, tug berthing facility and Water Taxi Pontoon.

(c) The requirement for the design to have no navigation or safety effects applies in all existing operable weather conditions (including wind) and tide conditions, that have occurred over the preceding 12 months and shall not take into account any changes that could potentially be made to a third parties'

structures or operations to mitigate any navigation or safety effects (unless their permission is obtained).

41. The consent holder will notify Channel Infrastructure and Seafuels when it engages the Suitably Qualified and Experienced person in accordance with condition 40(c) so that Channel Infrastructure and Seafuels may prepare internally for its review of the design in accordance with condition 40(d).

42. 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).

43. 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**.

***Advice note:** 'General location' includes any changes to the location and extent of the tug berthing facility required by Condition 31 or Condition 38 noting the extent of occupation of these structures cannot increase or extent further seaward from the footprint shown in the plans in Appendix 1 as an in general accordance change.*

44. 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.*

***Advice note:** 'General location' includes any changes to the location and extent of the Water Taxi Pontoon required by Condition 31 or Condition 38.*

Sandbank Renourishment Area

45. Conditions 46-50 and 200-204 apply unless an alternative avifauna initiative is proposed and certified under Condition 51.

46. At least three (3) months prior to the commencement of the sandbank (bird roost) construction works the consent holder must prepare and submit a Sandbank (Bird Roost) Management Plan ("SBRMP"). The purpose of the SBRMP is to set out how the Sandbank Renourishment Area will provide replacement roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel

47. The SBRMP must include:

(a) an assessment of performance standards and specifications (including minimum area and height above mean high water springs) to achieve its purpose;

(b) the construction methodology, including how tracking of any vehicles and machinery over the surrounding intertidal area will be avoided;

(c) maintenance monitoring, in accordance with Conditions 200-204;

(d) the likely duration of the Sandbank operating as an effective high tide bird roost, including between renourishment;

(e) and the likely nourishment frequency and volumes required;

(f) confirmation from a Suitably Qualified and Experienced person that the material used in the 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.

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

49. Before the commencement of construction works on the proposed reclamation, the consent holder must construct the Sandbank Renourishment Area.

50. A Chartered Professional Coastal Engineer with relevant experience must oversee the construction of the sandbank to ensure it complies with the SBRMP and sand renourishment area plans. 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).

Alternative avifauna initiative

51. Conditions 46-50 and 200-204 do not apply if:

(a) An alternative avifauna initiative, designed by a Suitably Qualified and Experienced ornithologist as being suitable to provide equivalent or better roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel), is identified; and

(b) A report on the design basis and rationale for how the alternative avifauna initiative provides equivalent or better roosting habitat to the sand bank renourishment area, including habitat enhancements and predator management measures and any legal instruments necessary to provide the alternative (new or altered resource consents, covenants or the like) is prepared; and

(c) That report is provided in draft to both the Department of Conservation and the Royal Forest and Bird Protection Society, with a reasonable opportunity (minimum 60 working days) for review and feedback on the design of the alternative avifauna initiative, and

(d) The final design and report, including a schedule of how feedback from the Department of Conservation and the Royal Forest and Bird Protection Society was incorporated, or if not, why not, is provided to the Council for certification; and

(e) the alternative avifauna initiative is constructed / implemented and any legal instruments are in place prior to the commencement of construction works on the proposed reclamation, or if the sandbank renourishment area is already in place then prior to cessation of maintenance of that sandbank.

52. Two years prior to expiry of the coastal permits for the Sandbank Renourishment Area, the Consent Holder must reapply for a replacement coastal permit to continue providing a high tide roost, unless an Alternative Avifauna Initiative has been certified and implemented.

ENVIRONMENTAL MITIGATION

Public access

53. 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.

54. 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

55. Prior to the commencement of construction works on the proposed reclamation, the consent holder must make a donation of $[XXXX] to an established group(s) with Dune conservation experience, for works to protect indigenous duneland vegetation communities in the Ruakaka area.

56. Prior to the distribution of funds the consent holder shall submit to Council the proposed recipient group(s) for certification these groups have appropriate dune conservation experience.

Advice note: *While not 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 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.*

Integrated marine planning initiative

57. Prior to the Commencement of these resource consents, 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 the granting 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.

(d) Promote appropriate steps to manage vessel movements in order to minimise marine mammal ship strike, such as adoption of the Hauraki Gulf Transit Protocol.

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]**
[…]	**[…]**

Construction noise

58. 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"*

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

Construction dust

60. 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.

61. 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

62. 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.

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

64. 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.

65. 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

66. 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).

67. 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.

68. 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)

69. 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 the necessary 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 and be enacted for a period of 5 days following a reported sighting of a baleen whale or popoiangore leopard seal in the wider Whangarei Area (Bream Bay to Tutukaka).

    (c) The pre-start observation zone will extend from a line between One Tree Point and Manganese Point and the eastern boundary of the MMOZ (or EMMOZ if in place).

    (d) Pre-start observations must occur for 30 minutes prior to the commencement of piling each day.

70. 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 Conditions 69-75.

Pile driving prohibition requirements

71. 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;

    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.

72. 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:

        (a) the sighted baleen whale is observed to be west of the EMMOZ.
        (b) the sighted 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 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 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.

73. The distances in condition 60 must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels in accordance with condition 75-81.

74. During the first five instances of dolphin or orca entering the harbour and crossing the line between One Tree Point and Manganese Point in a westward direction, the following shall occur:

(a) An additional MMO shall be stationed at One Tree Point

(b) That MMO and the one stationed at Northport, shall observe the dolphin or orca behaviour to track and record the general behaviour of these same animals as they return to the east, cross the One Tree Point line and eventually exit the harbour.

If the MMO, in consultation with a suitably qualified and experienced marine mammal expert, determine there are obvious signs of avoidance or deterrence by these species, then piling shall cease in future instances of dolphin or orca travelling eastward across a line between One Tree Point and Manganese Point

Pile-driving sound level verification

75. 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.

76. The acoustic monitoring required under Condition 75 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.

77. The monitoring results collected in accordance with Conditions 75 and 76 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

78. Within 2 weeks of completion of the measurements work completed under Conditions 75 and 76, 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 78. A copy of the report shall be provided to the NRC.

79. If piling activities are to extend into a second successive winter, the monitoring set out in Conditions 75 and 76 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.

80. The radius of the MMOZ and the EMMOZ in Condition 69 may be reduced in size to if the acoustic monitoring and subsequent model verification carried out in accordance with Conditions 69 and 70 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.

81. Any reduction in the size of the MMOZ must be approved in writing by the Council on the basis of provision of the results of representative acoustic monitoring in accordance with Condition 74.

Pile driving timing and scheduling

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

83. 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 69-83 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

84. 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.

85. 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 median turbidity, over a one-hour period, 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.

86. The consent holder must provide the results of sampling completed under condition 85 upon request.

87. If a discharge sample collected in accordance with condition 85 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 79; and
(c) If compliance with 85 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

88. 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.

89. 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 8585(a) 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)

90. At least three (3) 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) to detail the environmental monitoring and management procedures to be implemented during the Expansion Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and

(b) to ensure construction effects of the Expansion Project are in accordance with the assessments accompanying the resource consent applications.

91. The CEMP must include the following sections:

(a) Construction phase roles and responsibilities protocols;

(b) Environmental Risk Assessment;

(c) Dust;

(d) Hazardous Substances;

(e) Erosion and Sediment Control;

(f) Marine Works;

(g) Wildlife, including:

(i) Avifauna;

(ii) Lizards; and

(iii) Marine Mammals;

(h) Archaeology;

(i) Construction Noise; and

(j) Complaints Procedures and incident reporting.

92. The CEMP must be prepared by a Suitably Qualified and Experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application *(Enviser, Draft Construction and Environmental Management Plan, October 2022).*

93. 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).

94. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any of the matters in condition 91 are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.

95. Any variation to the CEMP must be subject to certification by the Council.

96. Specific requirements for certain sections of the CEMP are set out in the conditions below.

<u>Dust</u>

97. The dust section must set out dust management practices during construction to achieve the outcomes of conditions 60-61, 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 description of the potential Expansion Project construction dust sources;

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

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

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

(iii) Regular sweeping of sealed surfaces;

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

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

(c) A description of inspection and monitoring procedures;

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

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

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

Erosion and Sediment Control

98. 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, including the following information:

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

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

(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 79-81; and

(e) Methods to establish whether contaminants are present in 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)), and if contaminants are observed above those guideline values, a strategy to manage the risk to a point that is deemed acceptable.

Avifauna

99. The Avifauna section of the CEMP must be written by a Suitably Qualified and Experienced ornithologist and must address the measures required to ensure compliance with conditions 62-68, set out construction protocols to avoid injury/mortality of coastal avifauna, and include:

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

(i) For Kororā *Little Penguin,* to ensure compliance with conditions 6262 to 65 (relating to pre-construction surveys, implementation of construction works exclusion zones, and measures to reduce underwater noise from pile driving); and

(ii) For Tōrea pango *Variable oystercatcher*, to ensure compliance with conditions 62 to 68 (requiring protocols for pre- and during-constructions surveys, and implementation of exclusions zones around active nests and nesting birds).

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

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

(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) targeting of luminaires;

(ii) use of shields or baffles;

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

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

Lizards

100. 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).

Advice note: *If native lizards are detected during the lizard survey to be present in affected areas, a permit under the Wildlife Act 1953 may be required for their handling and relocation.*

Marine Mammals

101. The Marine Mammals section of the CEMP must include (as an attachment) a Marine Mammal Management Plan (MMMP) which must detail:

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

(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 pile-driving commencement, 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).

(c) Underwater noise management, including passive acoustic monitoring where appropriate, and implementation measures for the MMOZs provided in condition 95101(f).

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

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

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

(ii) "Soft start" or "ramping up" procedures 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) 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) Modifications to pile striking by changing the contact time of the hammer (to reduce the noise generated by impacts through a reduction in the amplitude of the pile vibration) where practicable;

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

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

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

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

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

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

(g) Protocols for 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) Protocols for marine mammal training of construction staff and the required training and experience of the designated Marine Mammal Observers.

(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.

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

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

(m) Procedures for the liaison with:

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

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

(iii) Iwi and/or hapū.

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

(o) Incident reporting procedures.

102. 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')

103. 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, Seafuels, 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 (3) months prior to the commencement of Expansion Project capital dredging provide the draft SMP to the Council for Certification.

104. 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.

105. In order to achieve the objective set out in condition 98, the SMP must, as a minimum, include:

(a) The processes and procedures, including real-time communication protocols, that will be implemented to minimise disruption to commercial shipping schedules, including for ships visiting Channel Infrastructure and Northport;

(b) The process and procedures, including real-time communication protocols, that will be implemented to avoid, as far as reasonably practicable, disruption to commercial shipping movements to / from Channel Infrastructure's jetties 1 and 2;

(c) 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;

(d) 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;

(e) 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;

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

106. The consent holder must undertake all activities authorised by these resource consents in accordance with the Certified SMP.

107. 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, Seafuels, 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

108. In order to inform the coastal process shoreline monitoring required by conditions 205-208, 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, boat ramp and spillway.

109. A report on the outputs of the pre-dredging baseline survey required by condition 108 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 205-206 (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.*

110. The consent holder must procure an independent Suitably Qualified and Experienced person to review any reports or other data provided to the Council in accordance with Conditions 109 and 205-208, and to prepare a further report that, as a minimum:

    (a) Describes the levels of sedimentation or erosion in the areas in the 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, assess whether it is possible to determine that any materially increased sedimentation or erosion at the Channel Infrastructure structures or turning basin has been caused by the Expansion Project and to quantify the relative contribution of the Expansion Project to the observed changes to other processes.

111. The consent holder must no later than 18 months following the completion of Expansion Project capital dredging submit the report required by condition 109 to Channel Infrastructure. Thereafter, reports must be submitted annually to Channel Infrastructure for a further five years. At the end of that five year period, if the opinion of the independent Suitably Qualified and Experienced person is that material changes to levels of sedimentation or erosion in the areas in the vicinity of the Channel Infrastructure structures and turning basin continue to be observed, then monitoring and reporting in accordance with condition 110 shall be reviewed and updated to reflect the observed changes and establish a new monitoring regime and timeframe..

112. Where a report produced under condition 110 concludes that the Expansion Project has contributed to 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) measures including 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.

113. The consent holder will contribute funding for the actual and reasonable costs to implement the measures and works in condition 112 (a) and (b) proportionate to the consent holders' contribution to increased sedimentation or erosion at the Channel Infrastructure structures or turning basin.

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. If*

additional resource consents are required, obtaining such consents shall be the responsibility of the consent holder.

Potential changes to mooring forces

114. The consent holder must engage an independent Suitably Qualified and Experienced person(s) to:

(a) Prior to finalising the design of the reclamation, wharf, tug berthing facility, and Water Taxi Pontoon in accordance with Condition 39:

(i) confirm that the model used to inform the report 'Hydrodynamic Modelling Additional Output Locations: of Proposed Reclamation and dredging Layout on Hydrodynamics' (MetOcean Solutions, April 2023) accurately reflects the actual (i.e. constructed/existing) format and extent of structures within the study area, and if necessary to update the model's parameters relied on in that report to reflect the environment as it exists; and

(ii) using the model referenced in (i) above, prepare a report describing the changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin resulting from the Expansion Project; and

(iii) using the information obtained from (ii) above, determine whether any changes to the design of the reclamation, wharf, tug berthing facility, and Water Taxi Pontoon are required in order to manage predicted changes to hydrodynamics and minimise effects on the Channel Infrastructure structures (including berths) and turning basin including the mooring of commercial vessels frequenting Channel Infrastructure structures;

(b) Prior to construction commencing, review the modelled changes in current velocities predicted in the report in condition 114 (a)(ii) reflecting the finalised design subject to Condition 114(a)(iii) above and either:

(i) confirm that the modelled changes in hydrodynamics will not materially change mooring of commercial vessels frequenting the Channel Infrastructure structures (including berths), or

(ii) if appropriate, recommend that instruments be deployed to quantify the post-construction changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin and prepare a report in accordance with (c) below; and

(c) Produce a report for certification by the Council which must, as a minimum:

(i) Describe the changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin, and whether those changes are materially different to the modelled changes predicted in the report required by condition 114(a)(ii) reflecting the finalise design subject to Condition 114(a)(iii) above; and

(ii) If the changes in hydrodynamics are materially different to the modelled changes predicted in the report required by condition 114(a)(ii) reflecting the finalised design subject to 114(a)(iii) above, assess whether it is possible to determine that any such changes in hydrodynamics at the Channel Infrastructure structures (including berths) or turning basin have been caused by the Expansion Project; and

(iii) Assess whether any changes determined in condition 114(c)(ii) above will give rise to a material change to the arrival, departure and mooring of commercial vessels frequenting the Channel Infrastructure jetties.

115. The consent holder must provide the reports produced pursuant to Condition 114(a)(ii) and 114114(c), any confirmation pursuant to Condition 108114(b)(i) to Channel Infrastructure within one month of their completion.

116. Where a report produced pursuant to Condition 108 concludes that the Expansion Project has contributed to changes in hydrodynamics at the Channel Infrastructure structures (including berth pockets) or turning basin which are materially different to predicted in the report required by Condition 114114(a)(ii) above and which will materially affect mooring of commercial vessels frequenting the Channel Infrastructure structures, the consent holder must:

(a) Engage with Channel Infrastructure to determine an appropriate mechanism to upgrade the existing mooring equipment to accommodate the changed hydrodynamics and ensure that the mooring capability of Channel Infrastructure's structures (including berth pockets) is maintained; and

(b) Contribute funding for the actual and reasonable costs necessary to upgrade the existing mooring equipment proportionate to the consent holders' contribution to changed hydrodynamics affecting the mooring equipment.

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 facilitate a management response in the unlikely event that the actual effects are materially different than predicted.*

Full mission bridge simulation

117. Prior to construction of the port expansion, the consent holder must provide to Council for certification results of Full Mission Bridge Simulations (FMBS) with outcomes and recommendations (e.g. ship size, environmental conditions, tug capacities and emergency response) agreed by an independent Suitably Qualified and Experienced observer. The FMBS are to include:

(a) Navigation to and from pilot boarding through to berthing at the extended berth associated with the resource consent 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 Channel Infrastructure's jetty 3 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 and Seafuels). 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. The FMBS must also include a comprehensive full-scale mock-up of*

the simulated ships' bridge including a high-resolution, full-scale display of the relevant ship and surrounding area (as seen from the ship's bridge), the relevant controller hardware where installed on an existing ship such as telegraph, thrusters, independent helm and Azi Pods, together with other instruments required for navigation and manoeuvring.

Oil spill risk assessment

118. 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

119. Conditions 120 apply to capital dredging only.

General

120. 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.

121. 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.**

122. 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.

123. 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.

124. 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.

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

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

126. 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 126 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)

127. The consent holder shall, at least three (3) months prior to capital dredging commencing, submit to the Council a Capital Dredging Management Plan (Capital DMP) for certification.

128. 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.

129. 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.

130. 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.

131. Any variation to the Capital DMP must be subject to certification by the Council.

132. 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.

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

TAG formation

134. 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.

135. 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.

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

[To be decided following consultation]

137. 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.

138. 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)

139. At least three (3) 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.

140. The objectives of the EMMP are:

(a) *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

(b) *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.

(c) *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.

141. 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 174-175;

(ii) inter-tidal marine ecology assurance monitoring in accordance with Conditions 176-178;

(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 178;

Bathymetric and shoreline surveys:

(f) The methodologies for the bathymetric and shoreline surveys required by Conditions 205 and 206; 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

142. 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 145;

(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.

143. 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

144. 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.

145. To achieve condition 144, 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 165;

(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 147 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.

146. 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.

147. 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.

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

149. 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).

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

151. 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

152. The consent holder must undertake a capital dredging monitoring and reporting programme in accordance with conditions 153 to 162.

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

(a) ensure that turbidity during dredging does not exceed modelled turbidity, therefore ensuring that the related effects on sensitive marine ecology (including SEAs) are within predicted levels.

(b) Provide baseline water quality information to enable the calculation of trigger levels; and

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

154. Monitor during capital dredging so that any management actions can-The consent holder must carry out baseline water quality monitoring required by conditions 155 to 157 over a period of at least one (1) year, prior to the first commencement of capital dredging authorised by these consents.

155. 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.

156. 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.

157. 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

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

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

(b) 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.

159. 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.

160. 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.

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

162. 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:

163. 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.

164. The purpose of turbidity triggers is to:

(a) Initiate a management action(s), as detailed in the EMMP and required under condition 144, 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 169 to 173.

165. 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).

166. 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 154 plus the Predicted Dredging Turbidity at that location, using the methodology referred to in Condition 165.

167. 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 164 and 165.

168. The report prepared under condition 167 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

169. The telemetered turbidity monitoring stations required under condition 155 are to be used to determine whether there has been a Tier 3 Compliance Level Exceedance.

170. 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 172.

171. The consent holder must ensure that methods for managing and achieving compliance with the requirements of condition 170 must be set out in the EMMP.

172. Notwithstanding condition 170, 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 170 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 170(a)and 170(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 172(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.*

173. The consent holder must place a copy of the report prepared under condition 172(a) on its website.

Marine ecology assurance monitoring

Sub-tidal monitoring

174. 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

175. The spring/summer and autumn/winter sampling rounds required in condition 174 must be as close to six (6) months apart as practicable.

Inter-tidal monitoring

176. 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

177. The spring/summer and autumn/winter sampling rounds required in condition 176 must be as close to six (6) months apart as practicable.

178. The Marsden Bay seagrass monitoring required by condition 171 must include either:

a) The mapping of seagrass at Marsden Bay using georeferenced and orthocorrected photogrammetry obtained by UAV (drone) survey; or if this is not practicable,

b) Video transects through intertidal and subtidal seagrass beds.

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.

***Advice Note**: Video transects can be used if drone photogrammetry is prevented by drone flight restrictions, or water visibility is insufficient to map subtidal beds.*

Indicative area for Marsden Bay inter-tidal seagrass monitoring

Marine ecology assurance monitoring reporting

179. 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.

180. Each monitoring report required under Condition 179 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.*

181. The last monitoring report covering the period 3-years after dredging is completed in accordance with Conditions 174 and 175, shall consider and assess whether the observed ecological effects of dredging are within the bounds of those anticipated in the report titled Northport expansion project: Assessment of marine ecological effects lodged in support of this consent. If the observed effects exceed those anticipated, the Consent holder shall engage a suitably qualified and experienced person to assess whether benthic habitats and communities are recovering, but at a lower than anticipated rate; and:

    (a) If so, provide an estimate of likely timeframes for residual effects to resolve and recommendations on further monitoring to track that recovery; and

    (b) If recovery is not occurring, to assess the reasons why and options, including a proposal for remedying or mitigating those effects.

182. In the event that Condition 176(b) applies, and following certification by the Council, the consent holder shall implement the proposed remediation or mitigation measures to the satisfaction of the Council.

Maintenance dredging

183. Conditions 184-194 apply to maintenance dredging only.

184. 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.

185. 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.

186. 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.

187. 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.

188. 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 33% 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.

189. 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 188.

190. 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.

191. 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.

192. 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.

193. 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).

<u>Maintenance Dredging Management Plan (Maintenance DMP)</u>

194. At least three (3) months 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.

195. 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.

196. 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).

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

198. 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.

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

Commented [BH1]: Dredging/Turbidity conditions ringfenced

SANDBANK RENOURISHMENT AREA GEOMORPHOLOGICAL MONITORING AND MAINTENANCE

200. 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.

201. The monitoring required by Condition 200200 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

202. Within three (3) months of each survey required by Conditions 200 and 201, 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).

203. Where a report certified under Condition 203 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.

204. Conditions 201-204 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 200-203 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: BATHYMETRIC AND SHORELINE MONITORING

205. The consent holder must commission an independent and Suitably Qualified and Experienced person to undertake 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 as described in Condition 108.

206. The detailed methodologies for the surveys required by Condition 205 are required to be set out in the EMMP (see the above EMMP conditions).

207. The monitoring required by Condition 205205, 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 capital dredging commencing	Two surveys over the 12 month period	Nil
During dredging and in the first year post capital dredging	6 monthly (biannual) surveys	One report within six (6) months of the final survey completion
1-5 years post-completion of capital dredging	One survey annually	One report within six (6) months of the final survey completion

208. In the event that Condition 207(c) applies, and following certification by the Council that the recommendations will address the change in bathemetric and or shoreline profiles, the consent holder shall implement the proposed remediation or mitigation measures to the satisfaction of the Council.

MARINE BIOSECURITY

209. At least three (3) months prior to the arrival of a dredge or reclamation vessel in New Zealand, the consent holder must submit a Biosecurity Management Plan(s) (BMP(s)) to the Council for certification.

210. The objective of the BMP(s) is to specify how the risk of a biosecurity incursion via introduction by Expansion Project construction vessels is to be 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 BMP must include:

(a) A description of the construction vessel(s) and its (their) attributes that affect biosecurity incursion risk, including key operational attributes (e.g. voyage speed, periods of time idle), maintenance history (including prior inspection and cleaning undertaken), and voyage history since last dry-docking and antifouling (e.g. countries visited and duration of stay);

(b) A description of the key sources of potential marine biosecurity risk from ballast water, sediments and biofouling. This must cover the hull, niche areas, and associated equipment, and consider both submerged and above-water surfaces;

(c) Findings from previous inspections, if available;

(d) If Northport is the first New Zealand destination since the latest hull cleaning, a description of the risk mitigation that has been or will be taken prior to arrival in New Zealand, including:

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

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

211. The BMP(s) must be prepared by a suitably experienced person.

212. The BMP(s) 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 BMP(s) (including any certified variation).

213. Any variation to the BMP(s) must be subject to certification by the Council.

214. Prior to dredging commencing, the consent holder must provide written certification from a Suitably Qualified and Experienced person to the Council 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.

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

215. These consents authorise the consent holder to occupy, on an exclusive basis, and use for the purposes of these consents (including port construction, operation, and maintenance):

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

(b) those parts of the Whangārei Harbour containing all approved port structures, including batter slopes, as shown on plan C03 contained in **Appendix 1.**

216. 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 [60] metres seaward of all approved port structures and the proposed reclamation area, as shown on plan C03 contained in Appendix 1.

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

218. Notwithstanding Condition 215, the consent holder must allow for reasonable public recreational access on the Water Taxi Pontoon, except as required to ensure operational or public safety, or in an emergency response scenario.

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

EARTHWORKS (TERRESTRIAL)

219. Before commencement of earthworks (terrestrial), final engineering plans must be prepared and provided to the Council and Whangārei District Council. The plans must include:

(a) The finished interface between the spatial extent of the port and the adjoining esplanade reserve.

(b) A demonstration of how public access has been facilitated to the residual beach area to the east.

STORMWATER DISCHARGES (OPERATIONAL)

220. 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) Pond and Associated Pumps;

(b) Channels;

(c) Spillways;

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

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

(f) Repair of any erosion; and

(g) Removal of blockages.

221. Conditions 222-231 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 13 April 2010) concurrently with the commencement of the application of Conditions 222-231 in accordance with Condition 222220. 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.*

222. Operational stormwater must be treated either:

(a) via connection to the existing canal and pond-based stormwater system discharging to the CMA at co-ordinate location 1733997E 6033711N; and/or

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

223. 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).

224. A report on all such examinations and action taken to remedy defects, as required under Condition 223, must be forwarded to the Council's Compliance Manager within once month of the examination being completed.

Attributable compliance parameters

225. 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 218****Error! Reference source not found.*** *impose enforceable limits on Northport's "at source" stormwater discharges*.

226. The compliance location specified in Condition 225 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.

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

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

(b) A total suspended solids median concentration not greater than 50 grams per cubic metre and a 95 percentile concentration not greater than 100 grams per cubic metre.

228. The operational port area must, as far as practicable, be maintained free of accumulation of wood debris and other organic product such that it is limited in its ability to be conveyed to the stormwater drains and cause objectionable odours beyond the site boundary.

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

(a) Removal of bark and wood debris.

(b) Routine sweeping of the operational port area.

(c) Dust suppression measures.

(d) Regular cleaning of catchpits.

230. 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

231. The consent holder must undertake stormwater monitoring in accordance with the monitoring programme at **Appendix 2**. Any changes to **Appendix 2** must be certified by the Council.

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

PORT ACTIVITIES AIR DISCHARGES (OPERATIONAL)

232. Conditions 233 to 235 apply to all Northport port operations from Practical Completion of the reclamation.

233. At least three (3) months prior to the commencement of any Expansion Project Port Activities (excluding Expansion Project construction) an Air Quality Management Plan (AQMP) must be prepared and submitted to the Council for certification. The objective of the AQMP is to detail dust management procedures that will be implemented by the consent holder to minimise discharges of dust from port operations and to ensure that effects are in accordance with the assessments accompanying the resource consent applications. The plan must include guidelines to control dust associated with the handling of bulk material and stockpiles, including regarding the following:

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

(b) The use of covers.

(c) Limiting drop heights.

(d) Undertaking work in favourable wind conditions.

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

(f) The regular sweeping of sealed surfaces.

(g) Restrictions on activities during strong winds.

(h) Limitations on the height of stockpiles.

(i) Installation of wind breaks.

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

(k) Inclusion of procedures to minimise emissions.

234. 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).

235. Any variation to the AQMP must be subject to certification by the Council. The consent holder is to review the AQMP at no greater than three yearly intervals.

CULTURAL

[New cultural conditions pending]

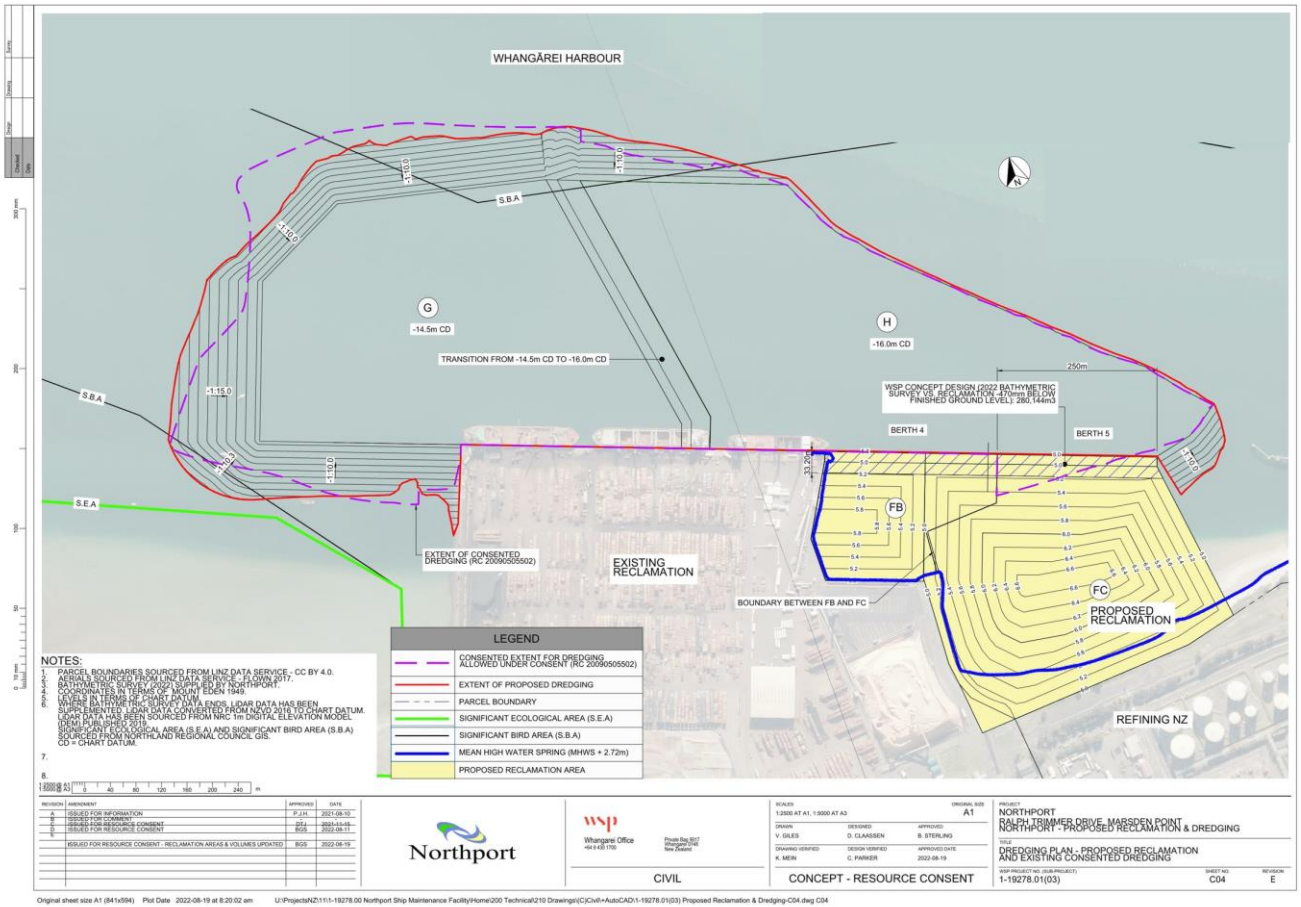
Port noise (operational)

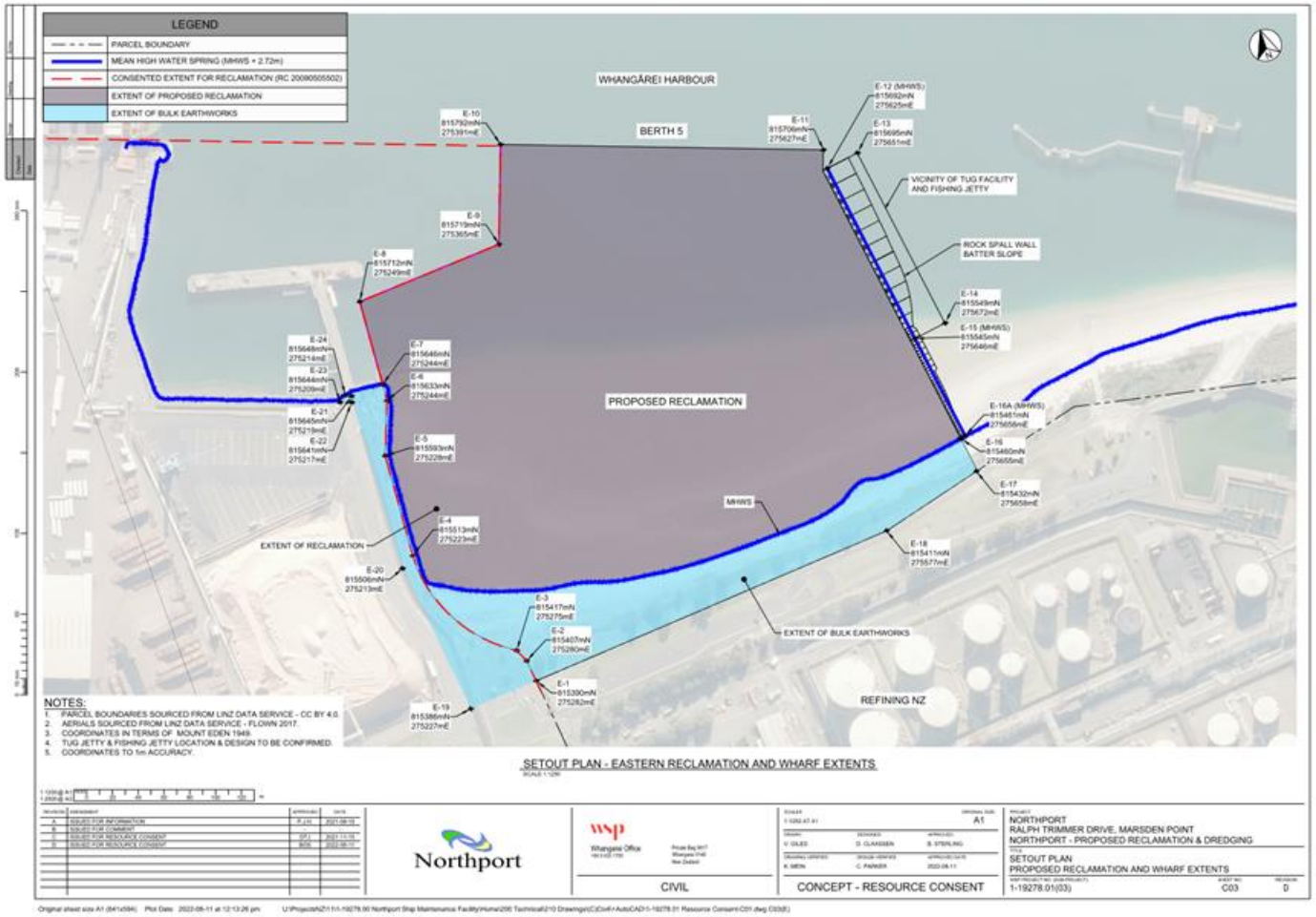
236. The Consent Holder must manage operational port noise in accordance with WDC Conditions 57-67 [insert WDC consent reference].

***Advice note**: The Port Noise Standard (NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning) encapsulated in the WDC conditions applies cumulatively for port activities on land and in the CMA.*

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

APPENDIX 1: PLANS




LEGEND
PARCEL BOUNDARY
MEAN HIGH WATER SPRING (MHWS + 2.72m)
CONSENTED EXTENT FOR RECLAMATION (RC 2099050502)
EXTENT OF PROPOSED RECLAMATION
EXTENT OF BULK EARTHWORKS
WHANGĀREI HARBOUR
BERTH 5
PROPOSED RECLAMATION
VICINITY OF TUG FACILITY AND FISHING JETTY
ROCK SPALL WALL BATTER SLOPE
MHWS
EXTENT OF RECLAMATION
EXTENT OF BULK EARTHWORKS
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. COORDINATES IN TERMS OF MOUNT EDEN 1949.
4. TUG JETTY & FISHING JETTY LOCATION & DESIGN TO BE CONFIRMED.
5. COORDINATES TO 1m ACCURACY.
SETOUT PLAN - EASTERN RECLAMATION AND WHARF EXTENTS
Northport
CIVIL
CONCEPT - RESOURCE CONSENT
NORTHPORT
RALPH TRIMMER DRIVE, MARSDEN POINT
NORTHPORT - PROPOSED RECLAMATION & DREDGING
SETOUT PLAN
PROPOSED RECLAMATION AND WHARF EXTENTS
1-19278.01(03)
C03
D


NOTES:
1. VERTICAL DATUM: LOCAL CHART DATUM (4.816m BELOW LINZ BENCHMARK DJM9)
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)
POTENTIAL LIMIT OF FUTURE PORT RECLAMATION
120x10m SAND BIRD ROOST (CREST RL 3.4mCD)
100m OFFSET
LEGEND
EXISTING GROUND CONTOUR (0.2m INTERVAL)
EXISTING GROUND CONTOUR (1.0m INTERVAL)
MHWS (2.74m CD)
DESIGN GROUND CONTOUR (0.2m INTERVAL)
DESIGN GROUND CONTOUR (1.0m INTERVAL)
A3 SCALE 1:2000
0 20 40 60 80 100 (m)
ORIGINAL IN COLOUR
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Tonkin & Taylor
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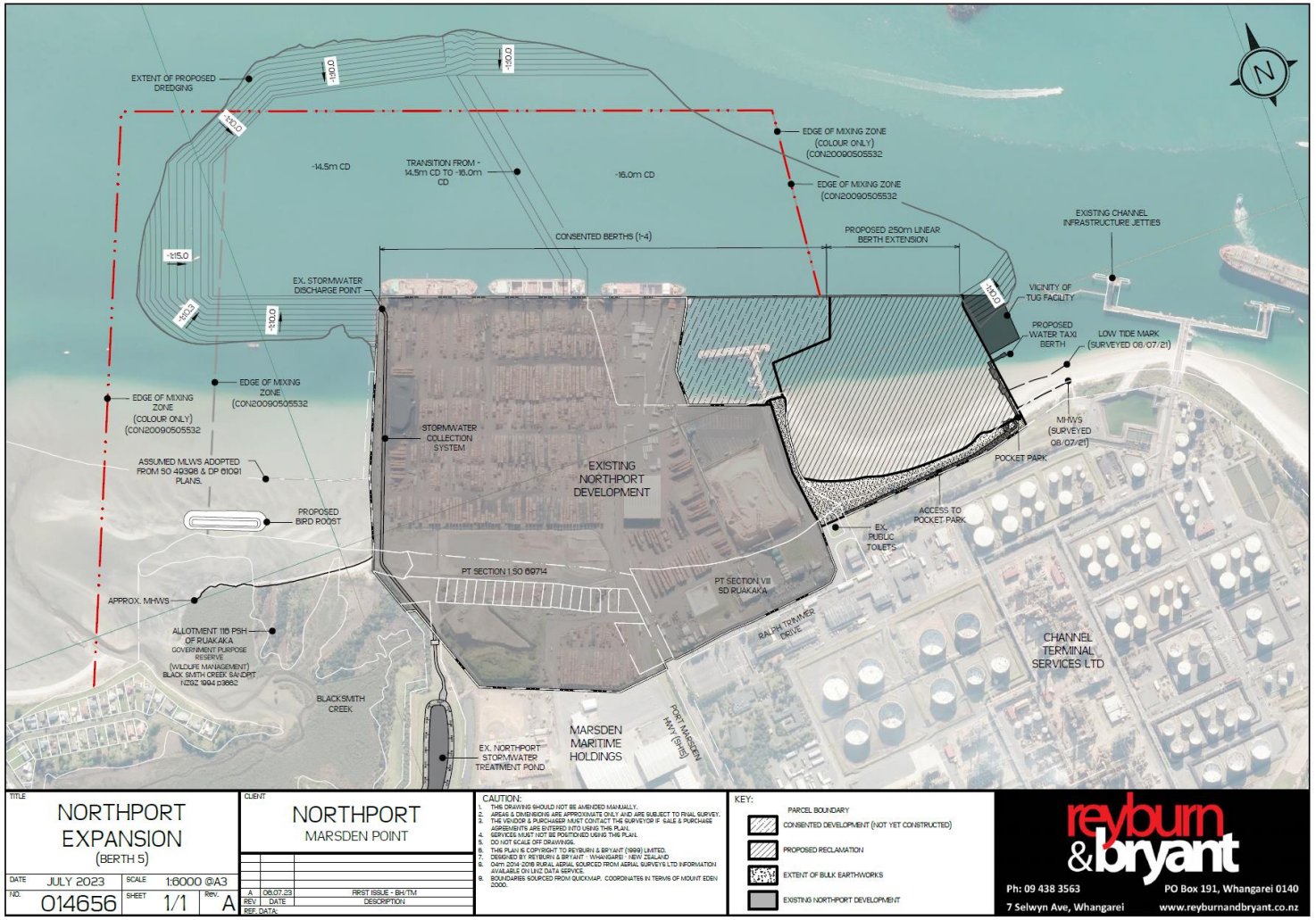
0 PRELIMINARY DRAFT BKD
1 100m Offset Added BKD
REV DESCRIPTION CAD CHK DATE
DESIGNED RRH Aug.22
DRAWN BKD Aug.22
DESIGN CHECKED
DRAWING CHECKED
DRAWING STATUS
PRELIMINARY DRAFT
PROJECT PHASE
CONCEPT DESIGN
NOT FOR CONSTRUCTION
APPROVED DATE
CLIENT NORTHPORT LTD
PROJECT VISION FOR GROWTH PORT DEVELOPMENT
TITLE BIRD ROOST CONCEPT LAYOUT PLAN
UNDER REVISION
SCALE (A3) 1:2000
DWG No. 1017349-02
REV 0



TITLE
NORTHPORT EXPANSION
(BERTH 5)

DATE JULY 2023 | SCALE 1:6000 @A3
NO. 014656 | SHEET 1/1 | Rev. A

CLIENT
NORTHPORT
MARSDEN POINT

REV	DATE	DESCRIPTION
A	06.07.23	FIRST ISSUE - BH/TM

REF. DATA:

CAUTION:
1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
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8. 04th 2014 2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
9. BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

KEY:
- PARCEL BOUNDARY
- CONSENTED DEVELOPMENT (NOT YET CONSTRUCTED)
- PROPOSED RECLAMATION
- EXTENT OF BULK EARTHWORKS
- EXISTING NORTHPORT DEVELOPMENT

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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
REV DATE DESCRIPTION
A 26.07.22 FOR INFORMATION
B 28.07.22 FOR INFORMATION
APPRVD
NORTHPORT
RECLAMATION
PROPOSED CONCEPT PLAN
Design SCo
Drawn DHI
Check SCo
Scale
1:750 @ A1
1:1500 @ A3
Date
28.07.22
FOR INFORMATION
DRAWING NO.
BM220519-201
REVISION
B

ISSUE	DATE	DETAILS	APPRVD	BY

Northport
P.O BOX 44
RUAKAKA, NEW ZEALAND
TEL 09 432 5010
vision4growth.co.nz

NORTHPORT
RELOCATED TUG FACILITY
EASTERN END - CONCEPT PLAN

Dwg No: D60-X | Issue: R0
Drawn: B SWEENY | Checked:
Scale: 1:500 (A1) 1:1000(A3) | Date: SEPT 2022 | Sheet: 01

APPENDIX 2: 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 mixgering and dilution.

TABLE 1: SCHEMATIC MONITORING DIAGRAM –

Location	Sampling Frequency	Parameters	Notes
Point(s) of discharge	First discharge per season, and two other discharge events each year		Advise Council when ponds reach design discharge level for the first time each year prior to discharge occurring
	One 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	T and DO are considered not useful in this situation
	Taken with first sample from first discharge event only	Al, Cu, Pb, Zn, PAH, and resin acids. Total N and Total P to be included if fertiliser products have been stored on site in the previous season	Resin acids, Total N and P concentrations will be assessed against available literature and previous concentrations to determine potential for adverse effects. All parameters to be assessed for any increasing trends over time. If the resin acid results for the first discharge of the season are below any applicable ANZECC effect threshold after theoretical mixing, resin acids need not be further analysed in that season
Pond Influent	To be done with "*First discharge per season*" referred to above	T, pH, DO, TSS, Cu, Pb, Zn, resin acids, phenols, PAH, VSS	Test to be used as an indication of pond effectiveness under different conditions eg size of storm, contributing area
Stormwater Canals, western/eastern arms	One off	*<u>Sediment</u> samples:*	Samples to be taken at: Join of arms, 100m upstream on eastern arm, 100m upstream on western arm
		Cu, Pb, Zn, PAH	Test to be used to determine any disposal issues for sediment
		<u>Water</u>:Winter months (when ponding in canals following rainfall)	Both sediment and water samples to be representative based on 3 sub-samples from different points of each arm composited for analytical purposes

		pH, Cu, Pb, Zn, resin acids, phenols, PAH	

1.2 **Pumping Hours**

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

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

2 REPORTING

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

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

3.1 **Records**

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

3.2 **Sample Collection**

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

3.3 **Sample Transport**

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

3.4 **Detection Limits**

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

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

3.5 **Laboratory Requirements**

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

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

DRAFT PROPOSED WDC CONDITIONS: NORTHPORT LIMITED (FOR CONFERENCING 8.11.23)

PORT EXPANSION, SH15, MARSDEN POINT

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

[To insert summary of activities/buildings/consents etc]

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

Subject to the following conditions:

DEFINITIONS:

"Building"	means a temporary or permanent moveable or immovable physical construction that: (a) is partially or fully roofed, and (b) is fixed or located on or in land, but (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
"Council"	means Whangārei District Council or its successor;
"Current Port Noise Contour Map"	means the map showing predicted incident port noise levels required to be prepared and updated pursuant to Condition 63(e).
"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;
"Expansion Project"	means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
"Major Structure"	means any: (a) vehicle used as residential activity, excluding temporary activities. (b) network system exceeding 1.5m in height above ground level or $3m^2$ ground coverage. (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either, then their height must be measured from the lowest ground level of to the highest point of either. (d) tank or pool exceeding 35,000 litres.

	(e) structure greater than 2.2m in height above ground level or greater than 9m^2 ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.
"Pocket Park"	means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell *"Proposed Concept Plan",* BM220519-201 (Revision B, 25.7.22); and
"Port Activities"	means the use of land and/or Buildings for port related activities, including but not limited to: (a) port and ancillary port activities; (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo; (c) debarking; (d) fumigation; (e) transport, storage and goods handling activities; (f) maritime passenger handling/services; (g) construction, maintenance and repair of port operations and facilities; (h) port administration; (i) refuelling/fuel handling facilities; (j) activities associated with surface navigation, berthing; (k) maintenance or repair of a reclamation or drainage system; (l) marine and port accessory structures and services; (m) repair and maintenance services and facilities ancillary to port activities;
"Practical Completion"	in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for Port Activities;
"RMA"	means the Resource Management Act 1991;
"Suitably Qualified and Experienced"	means a person or persons with a recognised qualification and/or relevant experience relevant to the topic being assessed.

GENERAL:

1. The consent holder must undertake all authorised activities in general accordance with the descriptions and plans referenced in **Tables 1-A** and **1-B** below. In the event of any inconsistency between this information and these conditions, the conditions prevail.

Table 1-A: Approved Reports

Report title and reference	Author	Rev	Dated

Table 1-B: Approved Plans/Drawings

Drawing title and reference	Author	Rev	Dated

2. 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 persons undertaking activities authorised by these consents.

3. Within ten (10) working days of the section 245(5) certificate being issued for the reclamation the consent holder must provide a copy of the certificate to the Council.

4. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).

5. At 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 with the consent holder's contractor(s) and the 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) The intended date of the commencement of works and a programme for the works.

   (b) A draft programme for the CEMP and any other design plan, engineering plan, report or management plan required to be submitted for certification under these conditions (if not already provided).

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

   (e) Any intended staging of the works

(f) A list of the proposed Suitably Qualified and Experienced Persons and Chartered Engineers proposed to be used in preparation of any design plans, engineering plan(s), report or management plan requiring Council certification.

Complaints

6. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:

   (a) Name of complainant, if provided to the consent holder;

   (b) The date and time of the complaint;

   (c) A description of the complaint;

   (d) The location of the issue raised;

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

   (f) Any possible cause of the issue raised;

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

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

   (i) Any feedback provided to the complainant.

7. The consent holder shall provide a copy of the complaints register to the Council within five working days of receiving a request to do so from the Council.

Certification

8. Where any condition requires the consent holder to submit design plans, engineering plans, a report or management plan to the Council for "**certification**" it must mean the process set out in the following paragraphs (a) to (d) and the terms "certify" and "certified" must have the equivalent meanings:

   (a) The consent holder supplies design plans, engineering plans, reports, or a management plan to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, 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;

   (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;

   (c) If the Council's response is that it is not able to certify a design plan, engineering plan, 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 design plan, engineering plan, management plan, or report for certification;

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

9. This process in Condition 8 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

10. The consent holder must comply with the certified management plan or report at all times.

Review under s128 of the RMA

11. 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 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.

(b) At any time, for the following purpose:

(i) 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

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

Stakeholder and Communications Management Plan

13. 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 Expansion Project.

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

(a) Identify the stakeholders for communication;

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

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

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

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

(f) Respond to queries and complaints; and

(g) Provide updates on progress with management plans.

15. 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, Seafuels, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Northland Regional Council and associated local authorities, Waka Kotahi, 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.

16. 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.

LAPSING OF CONSENTS

17. Each of these resource consents [(insert consent refs)] lapses five (5) years after the commencement of those resource consents that are subject to section 116(2)(b) of the RMA [(insert consent refs)].

Advice Note: *Pursuant to section 116(2)(b) of the RMA any district resource consent relating to an area of the coastal marine area that is proposed to be reclaimed shall not commence until the proposed location of the activity has been reclaimed and a certificate has been issued under section 245(5) in respect of the reclamation.*

Commented [BH1]: Ringfenced - if the WDC consents are split into (1) Consent for port activities on the reclamation; and (2) 'other', the 'other' consent will need the same lapse date as the NRC consents (i.e. 20 years sought). Reclamation lapse date can be 5 years.

CONSENT SURRENDERS

18. Within three (3) months of the date of Practical Completion of the Expansion Project reclamation, the consent holder must give written notice to the Council of its intention to surrender of the following resource consents:

    (a) RC36355.1 (Berth 1 and 2); and

    (b) Decision #11 – Whangārei District Council: Land Use Consent No. 1 (Berth 3 and 4) (no known consent reference number).

    Advice Note: *The surrender of the above resource consents will consolidate, including for monitoring and enforcement purposes, resource consents and conditions applying to the expanded Northport.*

DESIGN AND CONSTRUCTION OF RECREATIONAL FEATURES AND TRANSPORT INFRASTRUCUTRE

Engineering Plan Approval

19. Prior to the commencement of construction authorised by these consents the consent holder shall provide a detailed set of engineering plans to the Council for approval. The plans shall be prepared in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) and are to include:

    (a) Earthworks plans showing the finished interface between proposed Berth 5 and the adjoining esplanade reserve. Plans should demonstrate how public access (which offers a maximum 1:12 gradient for people with all levels of mobility) has been facilitated to the residual beach area to the east;

    (b) Design details of the construction of the Pocket Park private accessway, including the connection to Ralph Trimmer Drive, in accordance with the relevant engineering standards at the time [including a typical cross section, long section, culverts, drainage flow paths and overland flow;

    (c) Pocket Park and associated recreational features, including at least 26 car parks, street lighting, and a new public toilet as generally depicted on the Boffa Miskell "Proposed Concept Plan" BM220519-201 (Revision B, 25.7.22) at **Appendix 2**; and

    (d) Design details of reticulated network connections for sewer and water for the Pocket Park facilities (public toilet and water fountain) in accordance with Council's Environmental Engineering Standards (2020 Edition or most relevant version at the time).

20. All work on the approved engineering plans in Condition 19 is to be carried out to the satisfaction of the Council. Compliance with this condition shall be determined by;

    (a) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan;

    (b) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results;

(c) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Engineering Standards (2020 Edition or most relevant version at the time); and

(d) PS3 "Certificate of Completion of Development Works" from the Contractor.

21. No construction works authorised by each of the engineering plans in Condition 19 are to commence until the relevant engineering plan has been approved.

22. The consent holder must submit certified RAMM data for all new/upgraded roading infrastructure prepared by a suitably qualified person in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) to the satisfaction of the Development Engineer or their delegated representative.

23. The consent holder shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of the Council's Development Engineer or delegated representative.

24. All damage to street footpaths, stormwater kerb and channels, road carriageway formation, street berm and services by the demolition and construction works associated with the Consent Holder's activities shall be reinstated in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time). Any reinstatement works shall be undertaken at the expense of the consent holder and be completed to the approval of the Council.

Advice note: *It is the consent holders responsibility to obtain any necessary non-RMA approvals to undertaken repair works within the road reserve.*

25. The consent holder shall ensure the provision and maintenance of all assets listed in Condition 24 above in good working order for the duration of these consents. Parking and manoeuvring areas are required to maintain an urban finish (all weathered surface).

Pocket Park – Maintenance

26. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder shall prepare and submit a Pocket Park Maintenance Management Plan for certification by the Council. The purpose of this plan is to detail ongoing maintenance requirements and responsibilities for the Pocket Park, to ensure recreational value is maintained for the public for the duration of these consents.

27. The Pocket Park Maintenance Management Plan shall be prepared with opportunity for input from the Council Infrastructure Planning and/or Parks Department (or equivalent at the time) and the [insert name of group formed under cultural conditions], where appropriate.

28. The consent holder shall maintain the Pocket Park in accordance with the Maintenance Management Plan certified by Condition 26 above for the duration of these consents.

Landscape Planting

29. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder must prepare a Landscape Planting Plan for the Expansion Project, including the Pocket Park, for certification by the Council.

    The Plan must be prepared by a Suitably Qualified landscape architect and be for the purpose of detailing amenity planting associated with the construction of Berth 5, public coastal structures (water taxi and swimming steps), and the Pocket Park (including the access to Ralph Trimmer Drive). The Plan must be designed to reflect the coastal landscape and natural character values of the Whangārei Harbour entrance and Bream Bay area and must contain, at a minimum:

    (a) Details of security fencing, lighting, and landscaping measures to avoid a utilitarian feel, particularly along the Pocket Park access to Ralph Trimmer Drive;

    (b) Measures to address Crime Prevention Through Environmental Design risks and encourage opportunities for passive surveillance;

    (c) Replacement planting of multi-stemmed pohutukawa trees (Metrosideros excelsa) along the eastern edge of the revetment, between the Pocket Park and water taxi jetty, at a minimum density of one tree per 10m; and

    (d) Details of how specimen trees have been incorporated into the design, where appropriate, as replacements for the Public Trees removed from the coastal margins of the esplanade reserve.

    Advice note: *Public Trees are defined "as any tree or trees located on a road reserve, park or reserve administered by Whangārei District Council greater than 6m in height or with a girth (measured 1.4m above the ground) greater than 600mm.*

30. The Landscape Planting Plan shall include at a minimum:

    (a) A schedule of the species to be planted, including the name, numbers, location, spacing and size of plant species at time of planting, planting density, details on the timing of plantings, and details of any existing vegetation to be retained;

    (b) Proposed site preparation and plant establishment measures; and

    (c) Ongoing maintenance and monitoring requirements, including any recommended ongoing pest and weed controls.

    Advice Note: *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

31. Prior to Practical Completion, all planting required by the certified Landscape Planting Plan in Condition 29 above shall be implemented in accordance with the details of that Plan. All planting shall be undertaken to the satisfaction of the Council.

32. Wherever practicable, all specimens shall be eco-sourced from within the Waipu Ecological District, as identified by the Department of Conservation's Protected Natural Areas Programme.

33. The consent holder must maintain the landscape planting in accordance with the approved Landscape Planting Plan in Condition 29 above in perpetuity. If any plants fail or are removed, they shall be replaced as soon as practicable and prior to the end of the following planting season (April – October) with an equivalent specimen.

Mair Road Improvement Works (Augier Condition)

34. At least three (3) months prior to the commencement of construction) the consent holder shall present to the Council for Certification a Mair Road Recreation Area Improvements Feasibility Study (**Feasibility Study**).

The objective of the Feasibility Study is to investigate potential improvements to the Mair Road carpark, beach access, and surrounding reserve area, to provide further mitigation of the effects of the port expansion project on the coastal access and recreation values of East Beach and the adjacent public park.

As a minimum the Feasibility Study shall include details of the following matters:

a. Landowner (Department of Conservation) consultation/approvals.

b. Any related resource consents or other statutory approvals;

c. The estimated costs to implement the improvement works;

d. A programme and process to seek tangata whenua feedback on the improvement works;

e. A programme and process to seek public feedback on the improvement works;

35. Within three (3) months of Certification of the Feasibility Study by the Council, the Consent Holder must advise the Council whether it intends to implement the proposed improvement works in whole or in part.

36. Within twelve (12) months of confirmation of works to be undertaken in accordance with Condition 35, the Consent Holder must update the Council on progress of those works. If the works are not completed at that time, the consent holder must again update the Council on completion. All costs associated with designing, implementing, and reporting on the Feasibility Study shall be met by the Consent Holder.

CONSTRUCTION

Accidental discovery protocol

37. In the event of discovery of archaeological material during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga, tangata whenua representatives and the Council must be notified as soon as reasonably practicable.

38. 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.

39. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Mana Whenua, Heritage NZ Pouhere Taonga, NZ Police 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.*

Construction noise

40. Expansion Project construction noise from activities on land must not exceed the noise limits in Table One:

Table One: construction noise limits

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

IN**DUST**RIAL 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* ***Table One*** *are reproduced from New Zealand Standard NZS 6803: 1999 "Acoustics -Construction Noise"*

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

Advice Note: *Northland Regional Council resource consents for the Expansion Project include noise limits for construction noise from activities within the coastal marine area.* **Construction Traffic Management Plan**

42. At least three (3) months prior to the commencement of Expansion Project construction works, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council for certification. The objective of the CTMP is detail the procedures, requirements and standards necessary for managing traffic effects during construction of the Expansion Project so that safe facilities for local movements by all relevant transport modes are maintained throughout the construction period. The CTMP must include:

    (a) The estimated numbers, frequencies, routes and timing of construction traffic movements;

    (b) Any restriction on construction traffic routes, including Marsden Point Road;

    (c) Methods required to manage vehicular traffic and/or to manage traffic congestion;

    (d) Methods to manage the effects of temporary traffic management activities on general traffic;

    (e) Measures to manage the safety of all transport users;

    (f) Site access routes and access points for heavy vehicles,

    (g) The size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;

    (h) Identification of detour routes and other methods for the safe management and maintenance of all users on existing roads;

    (i) Methods to maintain vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;

    (j) Methods to maintain public access to Marsden Bay beach during construction, and signage to inform the public about beach access;

    (k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;

    (l) Methods that will be undertaken to communicate traffic management measures to affected road users such as residents/public/emergency services; and

    (m) Measures to ensure the safe disembarking/embarking of passengers on cruise vessels.

43. The CTMP must be prepared by a Suitably Qualified and Experienced person and in accordance with Council's requirements for CTMPs (as applicable) and New Zealand Guide to Temporary Management (April 2023) (or equivalent at the time). The CTMP shall be prepared in consultation with Waka Kotahi and Council.

44. The CTMP must be certified in writing by the Council prior to construction works authorised commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CTMP (including any certified variation).

45. Any variation to the CTMP must be subject to certification by the Council.

Construction and Environmental Management Plan

46. At least three (3) 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) To detail the environmental monitoring and management procedures to be implemented during the Expansion Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and

    (b) To ensure construction effects of the Expansion Project are in accordance with the assessments accompanying the resource consent applications.

47. The CEMP must include the following sections:

    (a) Construction phase roles and responsibilities protocols;

    (b) Environmental Risk Assessment;

    (c) Dust;

    (d) Construction Noise;

    (e) Traffic, including to demonstrate how the relevant conditions will be satisfied;

    (f) Archaeology;

    (g) Hazardous Substances;

    (h) Public access, including to demonstrate how condition 52 will be satisfied;

    (i) Erosion and Sediment Control; and

    (j) Communications Protocols and Complaints Procedures.

48. The CEMP must be prepared by a Suitably Qualified and Experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application (Enviser, Draft Construction and Environmental Management Plan, October 2022).

49. The CEMP must be certified in writing by the Council 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).

50. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any matters in Condition 47(c-i) are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.

51. Any variation to the CEMP must be subject to certification by the Council.

Public access during construction

52. Public walking access from Ralph Trimmer Drive to the residual Marsden Bay beach area must be maintained during construction except for short durations where health and safety requires restriction.

***Advice note**: See also public access section of the CEMP.*

Pavement damage to Ralph Trimmer Drive during construction

53. At least three (3) months prior to construction works commencing, the consent holder shall engage a Suitably Qualified and Experienced roading engineer to prepare a pre-construction conditional baseline assessment of the entirety of Ralph Trimmer Drive for certification by Council. The purpose of the assessment is to document the standard of the road corridor, footpath, kerb and channel, and associated stormwater infrastructure prior to construction works commencing.

54. Within six (6) months of Practical Completion, the consent holder shall engage a Suitably Qualified and Experienced roading engineer to undertake a post-construction conditional assessment of the entirety of Ralph Trimmer Drive for certification by Council. Where the post-construction condition assessment identifies that Ralph Trimmer Drive has deteriorated as the result of construction works relating to the Expansion Project, the consent holder shall, at its own cost, rectify the damage or pay the equivalent amount to the Council.

PORT OPERATION

Port Activities – location

55. From the first commencement of any of these resource consents, Port Activities may occur on any land within the area shown in the figure at **Appendix 1**

***Advice Note:** The definition of "Port Activities" is based on the current definition in the Whangārei District Plan (Operative in Part 2022).*

Operational noise

<u>Application</u>

56. Upon Practical Completion of the Expansion Project reclamation, Conditions 57 to 67 apply to all Port Activities within the area shown in the figure at **Appendix 1**.

***Advice Note:** In accordance with Condition 18, the consent holder is required to provide written notice to the Council of its intention to surrender the existing Berth 1 and 2 and Berth 3 and 4 resource consents relating to port noise. This will consolidate, including for monitoring and enforcement purposes, the*

operational port noise resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply to all Northport operational port noise.

Port noise limits

57. Noise from Port Activities within the areas shown in the figure at **Appendix 1** must be measured and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.

58. Noise from Port Activities within the areas shown in the Figure at **Appendix 1** must not exceed the levels shown in the Future Port Noise Map in Appendix 3 which reflects limits of 58 dB $L_{dn\ (5\text{-}day)}$ in the Settlement Zone in Reotahi and 54 dB $L_{dn\ (5\text{-}day)}$ in the Residential zone in Marsden Bay.

***Advice Note**: The noise contours in the Future Port Noise Contour Map were interpolated between grid points calculated at 10m intervals and 1.5m above ground level. Topographical contours and building outlines were sourced from LINZ (2017) and assumed a generic building height of 4.5m*.

Port noise mitigation

59. Where the measured or predicted incident port noise level shown on the Current Port Noise Contour Map exceeds 55 dB Ldn (5-day) at the external façade of a habitable space in a residential unit existing at the Commencement of these consents, the consent holder must investigate, and if identified as required, offer to the landowner the option to install (at the consent holder's cost) mechanical ventilation, mechanical cooling, and/or other noise mitigatory works. The Current Port Noise Map is informed by a periodic review as part of the Port Noise Management Plan detailed in Condition 4. Any works must:

    (a) Achieve an indoor design noise level no greater than 40 dB $L_{dn\ (5\text{-}day)}$ in all habitable rooms of the residential unit when the windows and doors are closed;

    (b) Satisfy clause G4 of the New Zealand Building Code;

    (c) Provide occupant controlled ventilation that provides at least six (6) air changes per hour, or occupant controlled cooling that can maintain the inside temperature of the habitable room below 25^0C;

    (d) Provide relief for equivalent volumes of spill air; and

    (e) Locate any outdoor heat pump condenser unit at least 5m from the direct external entrance to a living area.

60. Mechanical ventilation noise within mitigated dwellings identified in Condition 59 must be measured in accordance with AS/NZS 2107:2016 "Acoustics- Recommended design sound levels and reverberation times for building interiors". The mechanical ventilation noise levels in habitable spaces must not exceed the following on the low-speed setting:

    (i) 30 dB L_{Aeq} in bedrooms, and

    (ii) 40 dB L_{Aeq} in all other habitable spaces.

61. If the offer under Condition 59 is accepted by the landowner, the mechanical ventilation, cooling, and/or other noise mitigatory works must be installed at the expense of the consent holder within one (1) year

of the offer being accepted, except that the Consent Holder shall not be responsible for more than ten (10) such installations in any calendar year.

Advice Note: *The consent holder's obligations extend only to installation of the mechanical ventilation or cooling. To avoid doubt, the consent holder is not responsible for ongoing maintenance.*

62. Acceptance of the offer under Condition 50 may be made by the landowner at any time throughout the duration of these consents.

Port Noise Management Plan

63. At least three (3) months prior to the commencement of any Expansion Project Port Activities (excluding Expansion Project construction) a Port Noise Management Plan must be prepared in accordance with the requirements in Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning and submitted to the Council for certification. The Port Noise Management Plan must contain the following information:

    (a) The Port Noise Management Plan objectives and methods to achieve the objectives, including:

        (i) To ensure the consent holder complies with the noise limits in Condition 58;

        (ii) To provide a framework for the measurement, real-time monitoring, assessment, and management of port noise levels;

        (iii) To identify and adopt the best practicable options for the management of noise effects;

        (iv) To engage with the community and manage noise complaints in a timely manner, including through participation in a Port Noise Liaison Committee to be established as a sub-committee of the existing Community Liaison Group;

    (b) Real-time 24-hour noise modelling, noise monitoring, auditing, and reporting procedures to be undertaken and funded by the consent holder;

    (c) Practices that will be used to manage noise effects, including procedures for achieving noise reduction through port operational procedures and staff and contractor training;

    (d) Procedures to receive and respond to complaints, and to maintain a register of all complaints received, the details of the complaints, and any action taken to investigate and/or resolve the complaints;

    (e) The Current Port Noise Contour Map;

    (f) Identification of all properties where Condition 59 applies;

    (g) Details of the Port Noise Liaison Committee required under Condition 63(a)(iv) including:

        (i) The functions and processes of the Committee, including to consider all noise issues arising from the port and to ensure that mitigation functions identified in the Port Noise Mitigation Plan are carried out;

        (ii) The members for the Committee and their roles, with Committee seat invitations being required to be made as follows:

            1. Two representatives of the port operator;

2. Two port user representatives (with invitations to be made to two different port users);
3. One representative of Northland Regional Council;
4. One representative of Whangārei District Council;
5. One community representative for Reotahi;
6. One community representative for Albany Road;
7. One representative of the Ruakākā Parish Residents & Ratepayers Association;
8. One representative of the Whangārei Heads Citizens Association;
9. One representative of Patuharakeke Te Iwi Trust Board; and
10. One representative of Ngātiwai Trust Board;
11. One representative of Te Parawhau Hapu.

(iii) Details of the secretarial and logistical support to the Committee which must be provided and fully funded by the consent holder;

(iv) The frequency of Committee meetings, which must be annually at a minimum, and procedures for calling an emergency meeting of the Committee;

(v) Procedures for recording minutes of the Committee, which must be made publicly available;

(vi) Procedures for consideration by the consent holder of any recommendations by the Committee; and

(h) Where applicable, any recommendations made by the Port Noise Liaison Committee, and any actions by the consent holder to implement those recommendations (this requirement must not apply to the first Port Noise Management Plan produced).

64. The Port Noise Management Plan, including the appended Current Port Noise Contour Map, must be revised annually (at a minimum). An annual report must be prepared for the Port Noise Liaison Committee that:

(a) Details any changes to the Port Noise Management Plan and Current Port Noise Contour Map resulting from the revision; and

(b) Provides a record of:

(i) All acoustic mitigation works undertaken in the preceding twelve (12) months, including records of offers of mitigation that have been refused or not responded to; and

(ii) Any physical monitoring undertaken and the results of that monitoring.

65. The Port Noise Management Plan must be certified in writing by the Council prior to Expansion Project activities (excluding Expansion Project construction works) commencing. The consent holder must undertake all activities in accordance with the certified Port Noise Management Plan.

66. Any material variation to the Port Noise Management Plan, including as a result of a revision under Condition 55, must be subject to certification by the Council.

67. The first Port Noise Management Plan must be in general accordance with the draft Port Noise Management Plan provided as part of the resource consent application *(Marshall Day Acoustics: Northport Port Noise Management Plan, Rp 001 20170776, 3 August 2022).*

Operational lighting

68. From the first commencement of any of these resource consents, within the area shown in the figure at **Appendix 1:**

    (a) Artificial lighting required for health and safety purposes will not exceed the following standards:

        (i) 15 Lux at the boundary of a road reserve; and

        (ii) 10 Lux at the boundary of any other allotment not within the ownership of the consent holder.

    (b) Subject in each case to (a) above, the consent holder shall ensure that:

        (i) new flood lighting luminaires installed use LED (Light Emitting Diode) or LEP (Light Emitting Plasma) lamps or any other advanced technology lamps;

        (ii) all lighting poles have recessive colour finishes;

        (iii) where practicable, lighting is directed below the horizontal plane;

        (iv) the colour temperature of lamps used for new flood lighting are no more 4000°K; and

        (v) new flood lighting luminaires are designed so that the principal output is, as far as practicable, directed to within the container terminal and adjoining wharfs or to land that is zoned Port Zone.

69. The consent holder must engage a Suitably Qualified and Experienced lighting engineer to design/review new flood lighting installed at Northport.

<u>Operational lighting management plan</u>

70. At least three (3) months prior to Practical Completion, the consent holder shall prepare an Operational Lighting Management Plan ("OLMP") for certification by the Council. The objectives of the OLMP is to minimise visual impacts and impacts on avifauna from the use artificial lighting during night-time Port operations authorised by this consent, having regard to Condition 9 and the requirements of the Avifauna Management Plan required by the regional consent conditions. The OLMP shall:

    (a) Detail the positions and technical specifications of all exterior light sources and indicate the means by which compliance with the relevant Whangārei District Plan artificial lighting standards are to be achieved; and

    (b) Include comments of the Community Liaison Group on the plan and the consent holder's response to these.

Operational transport

[see tables appended]

BUILDINGS, STOCKPILES AND MAJOR STRUCTURES

71. Upon Practical Completion of the Expansion Project reclamation, within the area shown in the figure at **Appendix 1:**

    (a) Building height and Major Structure height (excluding public utilities, light towers, silos, aerials, tanks, cargo handling equipment, cranes, and shipping containers) must not exceed 20m above ground level.

    (b) The height of public utilities, light towers, silos, aerials, tanks, and cargo handling equipment (excluding cranes and shipping containers) must not exceed 60m above ground level.

    (c) The operational height for cranes must not exceed 85m above ground level.

    (d) The height of shipping container stacks must not exceed 30m above ground level.

    (e) The height of stockpiles must not exceed 20m above ground level.

    Advice Note: *The definitions of "Building" and "Major Structure" in these resource consents are based on the current corresponding definitions in the Whangārei District Plan (Operative in Part 2022).*

72. Upon Practical Completion of the Expansion Project reclamation, within Area A shown in the Figure at **Appendix 1**, buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Open Space and Recreation Zone boundary.

PUBLIC ACCESS

73. The construction of the Pocket Park required by Condition 20 must be completed within 12 months of Practical Completion. The consent holder must provide public recreational access to and across the Pocket Park for the duration of these consents, except as required to ensure operational or public safety, or in an emergency response scenario.

    Advice Note: *Revocation of the esplanade reserve for the Pocket Park must have Council resolution prior to construction.*

74. Prior to Practical Completion, provide written evidence to the Council to demonstrate that public access to and along the Pocket Park has been formalised by an appropriate legal mechanism.

75. Restricted access from Ralph Trimmer Drive to Marsden Bay must occur for no longer than eighteen (18) months total.

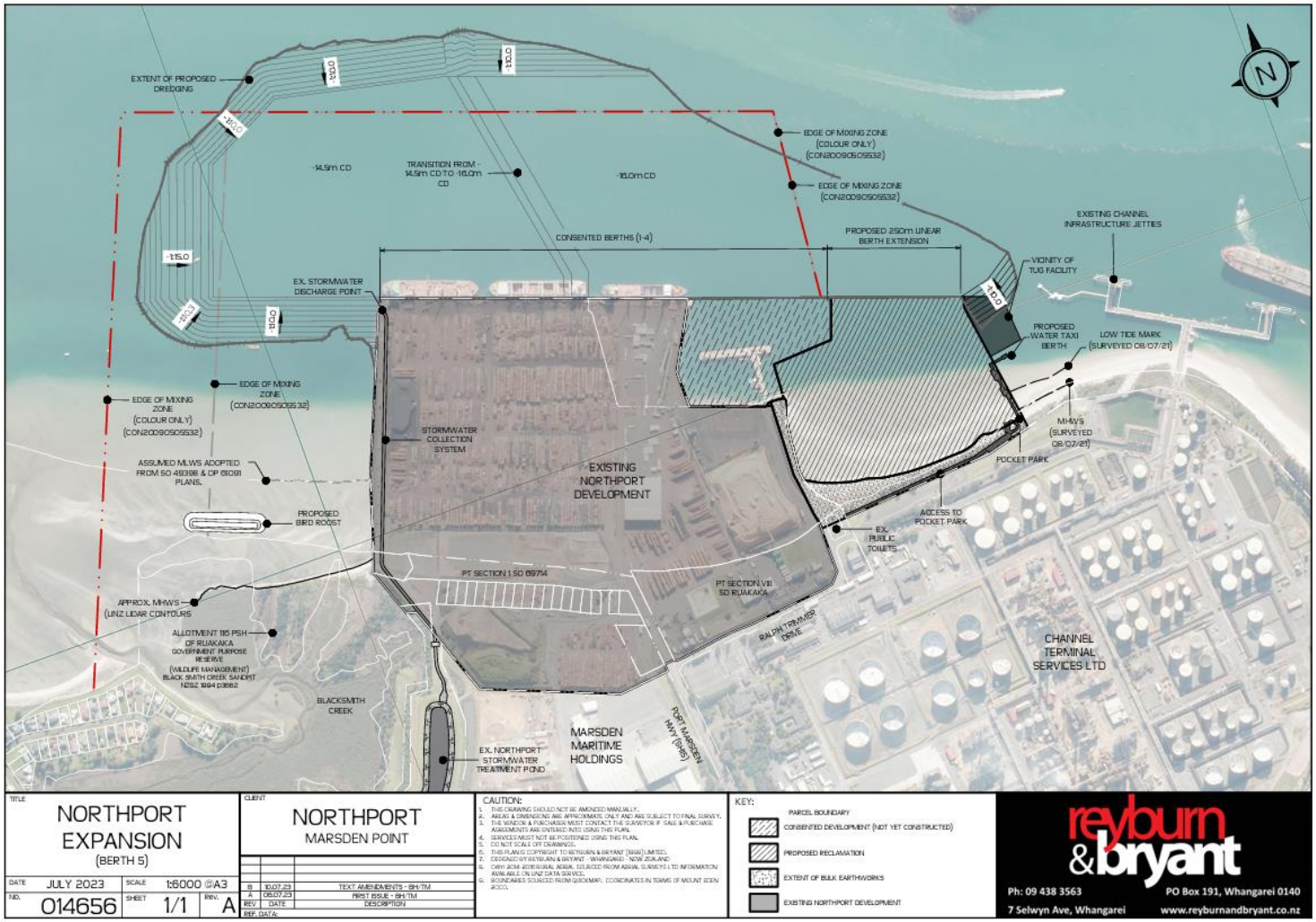
76. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

LANDSCAPE PLANTING

77. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix 2**) but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix 2**) which is to be removed.

Advice Note: *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

APPENDIX 1: PLAN



Conditions proposed by Northport (WDC) (08.11.23)

APPENDIX 2: LANDSCAPE PLANTING PLANS

APPENDIX 3: FUTURE PORT NOISE MAP