Attachment 3: Auckland Council Comments on Panel Draft Resource Consent Conditions (19.08.2026)

Te Ara Hauāuru Northwest Rapid Transit – Resource Consent Conditions [DRAFT]

All Resource Consents

These consents authorise the activities under sections 9(1), 9(2), 12, 13, 14 and 15 of the Resource Management Act 1991 (RMA), including under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and, subject to the exceptions noted below, the Resource Management (National Environmental Standards for Freshwater Management) Regulations 2020 (NES-FW), as described in Table 1, for the purposes of the construction, operation, maintenance and improvement of the Project within the Site.

Exceptions

These consents do not authorise any breach of:

Works in watercourses

- AUP Rule E3.4.1 (A19) Diversion of a river or stream to a new course and associated disturbance and sediment discharge (within an overlay or outside of an overlay)
- AUP Rule E3.4.1 (A49) New reclamation or drainage of a river or stream (within an overlay or outside of an overlay)

Wetlands

- AUP Rule E3.4.1 (A1) Any activities in, on, under or over wetlands not otherwise provided for (within an overlay or outside of an overlay)
- AUP Rule E15.4.1 (A18) Vegetation alteration or removal within 20m of a natural wetland
- Regulation 45 of the NES-FW – for activities within or near wetlands

as those rules and that regulation existed at the date of these resource consents being issued.

Definitions

The table below defines the acronyms and terms used in these conditions. Defined terms are capitalised in these conditions.

Acronyms and defined terms

Acronym/term	Definition/meaning
AEP	Annual Exceedance Probability
AUP	Auckland Unitary Plan 2026
Building/s	Means any lawfully established residential, commercial or community building that has been lawfully established, or is authorised by a building consent which exists at the time the Outline Plan is submitted. Sheds, garages and other ancillary buildings are excluded.
CCMP	Coastal Construction Management Plan
CLMG 1 & 5	Contaminated Land Management Guidelines No.1 and No. 5 (Ministry for the Environment, revised 2021) or updated version
Coastal margin	Within 20m of mean high water springs

Acronym/term	Definition/meaning
Consent Holder	NZ Transport Agency
Council	Auckland Council
CMA	Coastal Marine Area
Designation	The designation(s) for the Project, included in the AUP
ESC	Erosion and Sediment Control
Major Cut	Excavation or the installation of a structure below the seasonal low water table
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-FW	National Environmental Standards for Freshwater Management 2020
Project	Te Ara Hauāuru Northwest Rapid Transit
Riparian margin	Within 20m of the centreline of a permanent or intermittent watercourse
RMA	Resource Management Act 1991
SEA	Significant Ecological Area
Site	The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule B for the Project
SQEP	A suitably qualified and experienced person, being a person who can provide sufficient evidence to demonstrate their suitability and competence. In relation to contaminated land matters it means a suitably qualified and experienced practitioner.
Threatened or At-Risk wetland birds	According to the New Zealand Threat Classification System
Watercourse(s)	A river or stream, excluding overland flow paths, as defined in the AUP

Commented [AC1]: The extent of coastal permits as currently drafted refers to Schedule B.

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Schedules

Schedule A Indicative Design West and Indicative Design East

Schedule B Extent of area for coastal permits

Schedule C Land identified as potentially contaminated

Schedule D Significant Ecological Areas

Schedule E Bat Habitat Areas

Schedule F Kauri Die-back Management

Consent Conditions

Reference	Number	Condition
GENERAL CONDITIONS		
ALL	1.	**Table 1 Resource Consent lapse and expiry** (a) The consents lapse as set out below from the date of commencement, unless they have been given effect, surrendered or been cancelled at an earlier date. (b) The consents expire as set out below from the date of commencement.

Reference	Resource consents - Resource Management Act 1991	Proposed lapse date	Proposed Expiry date
Land disturbance activities			
LUC60461581	Land use (s.9) (1)) – Disturbance of potentially contaminated material (NES:CS)	25 years	Unlimited duration
LUC60461581	Land use (s.9(2)) – earthworks, vegetation alteration and removal	25 years	Unlimited duration
Coastal Consents and Permits			
CST60461583 *(structures)* CST60461584 *(disturbance of seabed (other))* CST60461585 *(veg removal)*	Coastal marine area (s.12) – including construction and use of structures (including temporary occupation for construction) in the coastal marine area, occupation of the seabed and ancillary activities at Wai-o-Pareira / Henderson Creek and Huruhuru Creek such as disturbance of substrate and alteration or removal of mangroves.	25 years	35 years from the date of commencement
Works in watercourses			
LUS60461587 *(structure)* LUS60461588 *(works)*	Land use (s.13) – including new or upgraded structures in, on, under or over the bed of rivers, streams (including intermittent streams), works in watercourses, structures, stormwater infrastructure, erosion protection and temporary diversions. Placement, use, alteration or reconstruction of a culvert in, on, or over the bed of a river (NES:FW)	25 years	35 years from date of commencement
Diversion of Water			
WAT60461586	Water permit (s.14) – Diversion of groundwater and dewatering during construction	25 years	35 years from the date of commencement

Reference	Number	Condition
		Discharge DIS60461582 *(contamination)* DIS60466273 *(stormwater)* — Discharge permit (s.15) – Discharge of contaminants or water into water, air or onto or into land, diversion of stormwater associated with new permanent impervious structures — 25 years — 35 years from the date of commencement
ALL	1A	The location and layout of works enabled by this consent, including its alignment and layout, shall be undertaken in a manner consistent with the Indicative Design West drawings and Indicative Design East drawings as set out at Schedule A to these conditions. Work will be deemed to be consistent with those drawings if it is located within the designation boundary and is compliant with the balance of these conditions and any certified management plan or plan.
MANAGEMENT PLANS		
ALL	2.	(a) A management plan or plan required by a condition must: (i) be prepared in accordance with the relevant condition; (ii) be prepared by a SQEP(s); and (iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or stage of work to which it relates. (b) The Consent Holder may prepare management plans or plans in parts or in stages to address specific activities or to reflect the staged implementation of the Project. (c) In preparing the management plans or plans listed in Condition 3(b) the Consent Holder must consult with: (i) Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River / SH16 causeway; (ii) Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate; and (iii) Ngāti Whātua Ōrākei, Te Ākitai Waiohua and Ngaati Te Ata for works east from Te Whau / SH16 causeway to Ian McKinnon Drive. (d) The management plans or plans must be implemented as certified.
ALL	3.	*Certification* (a) The management plans or other plans or summary technical notes listed in (b)(i)-(iii) below must be submitted to the Council at least twenty (20) working days prior to the anticipated start of construction to be certified. The certification must confirm that the management plan has been prepared in accordance with the condition(s) to which it relates. (b) The following plans must be submitted for certification: (i) Site-Specific Erosion and Sediment Control Plan(s) (SSESCP) (ii) Contaminated Soils Management Plan(s) (iii) Coastal Construction Management Plan(s) (c) Any certified plan may be updated or revised to reflect any changes in design, construction methods or management of effects: (i) The plan may be amended to reflect minor changes in design, construction methods or management of effects. Re-certification is not required. (ii) If there is a material change proposed to a plan that has been submitted to the Council for certification then the Consent Holder must update that plan by submitting the amendment in writing to the Council for certification.

Commented [AC2]: If this condition is to be retained, Council would request alternative wording be considered for the reasons outlined in the AC covering letter.

Deleted: and implemented

Commented [AC4]: Recommended to ensure that the summary technical notes required by Conditions 9, 11, 12, and 23 may be submitted as each stage is progressed as opposed to in the first instance.

Reference	Number	Condition
CONSTRUCTION CONDITIONS		
	3A.	*Pre-start meetings* (a) Prior to the commencement of construction, the Consent Holder must hold a pre-start meeting that: (i) is located on the Site for the relevant stage of works; (ii) is scheduled not less than five (5) days before the anticipated commencement of construction; (iii) invites the Council's environmental monitoring team; and (iv) invites the contractor who will undertake the works. (b) The meeting must include discussion of the relevant conditions and management plans or plans certified under Condition 3 relevant to the stage of works so that relevant persons are aware of and are familiar with the conditions of this consent.
	4.	*Cultural Monitoring Plan* (*Augier* condition) (a) Prior to the start of construction, a Cultural Monitoring Plan (CMP) for each stage of work must be prepared by a SQEP(s) identified in collaboration with: (i) Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River and SH16 Causeway; (ii) Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate; and (iii) Ngāti Whātua Ōrākei, Te Ākitai Waiohua and Ngaati Te Ata for works east from Te Whau / SH16 causeway to Ian McKinnon Drive. (b) The objective of the CMP is to specify cultural monitoring methods and activities to be undertaken during construction works. (c) To achieve the objective, the CMP must specify: (i) requirements and protocols for cultural inductions for contractors and subcontractors; (ii) activities, sites and areas where cultural monitoring is required during particular construction works, and what that cultural monitoring will comprise; and (iii) the number of personnel who will undertake cultural monitoring, together with any geographic areas in which they will undertake it. (d) The CMP does not need to be submitted to the Council for certification.
LUC60461581, LUS60461588 *(works)*	5.	*Site-Specific Erosion and Sediment Control Plan (SSESCP)* (a) Prior to the commencement of any earthworks and/or streamworks on the Site, the Consent Holder must engage a SQEP to prepare an SSESCP. The purpose of the SSESCP is to set out the site-specific measures to be implemented during construction to minimise erosion and the discharge of sediment beyond the boundaries of the Site. (b) The SSESCP must be prepared in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), including any amendments or revisions to GD05, or any replacement document that represents best practice erosion and sediment control (ESC) management. (c) The SSESCP must be implemented throughout the duration of the earthworks and/or streamworks to which it applies and must include the following information: (i) details of erosion and sediment control measures for earthworks and/or streamworks (location, dimensions, capacity);

Reference	Number	Condition
		(ii) design drawings confirming the location, staging and sequencing of works, including installation of ESC measures; (iii) details of construction methodologies (including timing and duration) for vegetation removal, earthworks, bridge works, culvert works and streamworks; (iv) methodology for streambed remediation or stabilisation upon completion of stream works; (v) monitoring and maintenance requirements for all ESC measures; (vi) relevant catchment boundary and contour information; (vii) details of management measures for exposed areas (e.g., aggregate stabilisation, mulching). (viii) details of management measures for the treatment, disposal and/or discharge of contaminants (e.g., concrete wash water); (ix) where relevant, design details of a chemical (or organic) treatment system based on a rainfall activation and batch-dosing, including: A. protocols and procedures for bench testing to determine which ESC measures will benefit from the use of flocculants, including; the effectiveness, suitability and optimal rates of application of the specific flocculant proposed to be applied (including assumptions); B. details of the ESC devices which are to be treated; C. design details including methodology and timing of application of the flocculation system; D. details of optimum dosage (including assumptions), including how chemical dosage has been adjusted to the minimum level necessary to achieve the most effective flocculent in terms of sediment removal; E. treatment applications during pumping procedures where dewatering is required; F. monitoring, maintenance and contingency management, including record keeping systems, minimum clarity, and pH limits for discharges; and G. spill contingency protocols. (x) earthworks programme and measures for the period between 1 May and 30 September; and (xi) identification and contact details of the personnel responsible for the operation and maintenance of all key ESC devices. *Advice note: There is no condition requiring the preparation or certification of a Project-wide ESCP.*
LUC60461581, LUS60461588 *(works)*	5A	Prior to the commencement of earthworks and/or streamworks activity on the area of the Site to which the SSESCP applies, a SQEP must provide written certification to the Council that the ESC measures have been constructed and completed in accordance with the relevant SSESCP. *Advice Note: Certification documentation is available in Appendix C of Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05): Erosion and Sediment Control construction quality checklists.*
LUC60461581, LUS60461588 *(works)*	5B	Unless otherwise approved by the Council, the maximum area of exposed earth at any one time when exercising this consent must be no greater than five (5) hectares. *Advice Note: Exposed earth does not include areas of the Site which have been stabilised with aggregate, and which remain managed by erosion and sediment controls in accordance with the ESCP for that area.*

Reference	Number	Condition
LUC60461581, LUS60461588 *(works)*	5C	Earthworks and/or streamworks at the Site must be progressively stabilised against erosion throughout the land disturbance phases of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified SSESCP applicable to that area.
LUC60461581, LUS60461588 *(works)*	5D	The operational effectiveness and efficiency of all erosion and sediment control measures in each SSESCP required by Condition 5 must be maintained throughout the duration of earthworks and/or streamworks activities in the area to which they apply, or until that area is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.
LUC60461581, LUS60461588 *(works)*	5E	Earthworks and/or streamworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. Roads or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
LUC60461581	6.	*Stabilisation* If areas are stripped and exposed to erosion, and works are not to occur within that area within a subsequent 14-day period, then stabilisation must occur. This may include temporary stabilisation during staging of earthworks.
CONTAMINATED LAND		
LUC60461581, DIS60461582 *(contamination)*	7.	*Contaminated Land* Prior to the start of earthworks, the Consent Holder must submit a Detailed Site Investigation (DSI) for land identified in Schedule C to the Council for information. The DSI must be prepared in accordance with CLMG 1 & 5 or updated version.
LUC60461581, DIS60461582 *(contamination)*	7A	In the event the DSI required by Condition 7 identifies contamination, then prior to the start of earthworks, the Consent Holder must prepare a Contamination Site Management Plan (CSMP).
LUC60461581, DIS60461582 *(contamination)*	7B	The purpose of the CSMP is to identify measures to manage potential risks from disturbance of contaminated soils to human health and the environment (including from the discharge of sediment or sediment-laden water). The CSMP must: (a) Detail the procedures and controls required during and following the works to minimise the risk of potential effects on human health and the environment as a result of actual and potential soil contamination; (b) Identify whether contaminated soils require remediation and, if so, detail: (i) The remediation or management goal; (ii) Remediation methodology, including the rationale; (iii) Contingency measures if the remediation methodology fails to reach the remediation or management goal; and (iv) Site validation sampling plan and reporting. (c) Be prepared in accordance with the CLMG 1 & 5 or updated version; (d) Account for the soil contamination profile as detailed in the DSI required by Condition 7; (e) Detail methods to manage stockpiling of excavated soils containing elevated levels of contaminants. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place; (f) Detail methods to manage any perched groundwater or surface run-off water encountered within excavation areas where soils containing elevated levels of soil contaminants are present; and (g) Include an accidental discovery protocol.

Reference	Number	Condition
LUC60461581, DIS60461582 *(contamination)*	7C	*Site Validation Report* Within three months of the completion of earthworks in an area where the CSMP identifies that remediation is required, a Site Validation Report (SVR) must be submitted to the Council for information. The SVR must be prepared in accordance with the requirements of section 2.8 of CLMG 1 & 5 or updated version. The SVR must include: (a) A summary of the works undertaken; (b) The location and dimensions of the excavations (of contaminated soils) carried out, including a relevant site plan, and records of where any contaminated soil is to remain on Site; (c) Records of any unexpected contamination encountered during the Project works; (d) Soil sampling / validation results where remediation has been carried out or where unexpected contamination has been encountered; (e) The locations and dimensions of excavations and the volume of soil excavated and records/evidence of the appropriate disposal for any material removed from the Site; (f) The requirements for any ongoing monitoring and management if any contaminated soil remains within the Designation Boundary; (g) Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results; (h) Records/evidence of the appropriate disposal for any material removed from the Site; and (i) Records of any unexpected contamination encountered during the works and response actions, if applicable.
STORMWATER		
DIS60466273 *(stormwater)*, LUC60461581	8.	*Stormwater Quality* (*Augier* condition) (a) The Consent Holder must design the Project to direct all stormwater from impervious surfaces constructed for the Project to a stormwater treatment system before it is discharged to the environment. (b) The stormwater treatment system must be designed to achieve a minimum of 75% total suspended solids removal.
DIS60466273 *(stormwater)*	9.	*Stormwater Discharge - Streambed Erosion* (a) The Consent Holder must design the Project so that the discharge of stormwater from the Project does not increase stream velocity downstream of the stormwater outfall by more than 5% in a 95 percentile storm event. (b) Prior to construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating compliance with (a) above.
DIS60466273 *(stormwater)*, LUC60461581	10.	Within three months of completion of construction works, the Consent Holder must provide as-built plans of the stormwater management system for the Project to the Council.
WORKS IN WATERCOURSES		
LUS60461587 *(structure)*, LUS60461588 *(works)*	11.	*Bridge Design* (a) Where a bridge crosses a stream, the bridge must be designed to: (i) Have no supporting piers in the stream bed; and (ii) Minimise the extent of scour protection in the stream bed to the extent practicable.

Reference	Number	Condition
		(b) Prior to construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating that bridges have been designed to meet (a) above.
DIS60466273 *(stormwater)*, LUC60461581, LUS60461587 *(structure)*, LUS60461588 *(works)*	12.	*Outfall and Culvert Design* (a) Outfalls and culverts must be designed for the following rainfall events: (i) Stormwater outfalls using 176mm for the 10% AEP 24 hour rainfall depth that includes a 2.1 degree Celsius increase in temperature for climate change. (ii) Culvert inlets and outlets using 332mm for the 1% AEP 24 hour rainfall depth that includes a 3.8 degree Celsius increase in temperature for climate change. (b) Scour protection for outfalls and culverts must be designed in accordance with Technical Report 2013/018 (Auckland Council 2013). (c) Prior to construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating outfalls and culverts have been designed to meet (a)-(b) above.
DIS60466273 *(stormwater)*, LUS60461587 *(structure)* LUS60461588 *(works)*, LUC60461581	13.	*Fish Passage* Fish passage must be provided in all new culverts and/or culvert extension(s) unless deemed by a SQEP to be: (a) unnecessary because: (i) there is no upstream fish habitat; or (ii) there are other existing barriers to fish passage; or (b) impracticable.
ECOLOGICAL MANAGEMENT		
LUC60461581	14.	*Terrestrial Native Vegetation Removal* (a) If native vegetation within the Designation is removed in the SEAs shown Schedule D, in a coastal margin, or in a riparian margin, the Consent Holder must: (i) for temporary construction works, plant native vegetation in those areas where vegetation was removed. (ii) for permanent works, plant an equal area (in m^2) within a SEA, coastal margin or riparian margin: A. within the Designation; or B. within 1,500m of the boundary of the Designation (b) Any mitigation planting undertaken in accordance with Condition 15 can also be counted as mitigation planting under Condition 14 for removal of vegetation in riparian margins. (c) For planting under (a) the Consent Holder must: (i) engage a SQEP to advise on location and determine plant species and sourcing, density and sizing; (ii) undertake eco-sourced planting within the first planting season following completion of construction where practicable; (iii) undertake pest plant control for a five year period; and (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).
LUC60461581	15.	*Works in Watercourses*

Reference	Number	Condition
		(a) If native vegetation is permanently removed for bridging of a watercourse, the Consent Holder must plant the riparian margin of: (i) the same stream; or (ii) another stream that is of similar size and gradient, and as close as practicable to the affected stream. (b) The area of riparian margin planting under (a) must be no less than the area of the permanent vegetation removal. (c) For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder must plant the riparian margin of: (i) the same stream; or (ii) another stream that is of similar size and gradient, and as close as practicable to the affected stream. (d) The riparian margin planting under (c) must be 1.5x the length of the watercourse occupied by the culvert or outfall and a minimum of 5m wide on each side of the watercourse (from the edge of the channel). (e) Any mitigation planting undertaken in accordance Condition 14 for removal of vegetation in riparian margins can also be counted as mitigation planting under Condition 15. (f) For planting under (a) and (c) the Consent Holder must: (i) engage a SQEP to advise on location and determine plant species and sourcing, density and sizing; (ii) undertake planting within the first planting season following completion of construction where practicable; (iii) undertake pest plant control for a five year period; and (iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).
LUC60461581	16.	*Native Birds* If vegetation clearance within open space zoned land, an SEA(s), a coastal margin(s) or a riparian margin(s) is to occur during the native bird nesting period (September to February inclusive), the Consent Holder must engage a SQEP to: (a) Undertake native bird nesting surveys before vegetation is cleared. (b) If active native bird nests are found, identify the following set back distances for construction works until the young birds have fledged or the nest is naturally abandoned: (i) A 50m set back distance if Threatened or At-Risk active wetland bird nests are found; and (ii) A 20m set back distance for other active bird nests.
LUS60461587 *(structure)*, LUS60461588 *(works)*	17.	*Fish Salvage and Relocation* (a) The Consent Holder must salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion or instream works in a section of a watercourse that a SQEP determines supports a population of native fish. (b) The salvaged native fish and kākahi should be relocated within the same stream with similar hydrological conditions or other suitable habitat determined by a SQEP. (c) Fish salvage and relocation must be supervised by a SQEP.
LUC60461581	18.	*Bat management* Prior to the removal of any trees in the area shown in Schedule E that, in the opinion of a SQEP, may be used as roost for bats, then the Consent Holder must

Reference	Number	Condition
		apply the Department of Conservation Bat Roost Protocols (Protocols for minimising the risk of felling occupied bat roosts October 2024) or updated version.
LUC60461581	19.	*Kauri Die-Back Management* (a) The Consent Holder must implement kauri dieback management measures for the kauri tree identified in Schedule F in the event that the kauri tree is present at the time of construction. (b) Kauri dieback management measures must be in accordance with Standard Operating Procedures (Auckland Council, 2021) or updated version, provided that document is in force at the time of construction.
COASTAL PERMIT		
CST60461583 *(structures)*, CST60461584 *(disturbance of seabed (other))*, CST60461585 *(veg removal)*	20.	*Coastal Construction Management Plan (CCMP)* (a) Prior to the commencement of works within the Coastal Marine Area (CMA), the Consent Holder must prepare a CCMP. The objective of the CCMP is to manage construction effects in the Coastal Marine Area. The CCMP must include; (i) Timing, staging and sequencing of coastal works; (ii) A final construction methodology and plans of the temporary and permanent structures within the CMA; (iii) The route to be used for accessing the Site for construction purposes; (iv) Methods for minimising the removal/pruning of mangroves and, when removing mangroves, they are cut as close to the sediment as possible and root masses are left intact; (v) Methods to maintain a safe navigation channel where practicable past the works site, and how periods where navigation past the site may be restricted will be communicated to affected channel users; (vi) The construction footprint, demarcating those areas in the CMA and coastal edges which need to be physically marked onsite, with access (for vehicles and staff) restricted to the footprint; (vii) Contingency plans in case of discharges to the CMA during works; (viii) General site management, including details of: (A) the bunding or containment of fuels and lubricants to prevent the discharge of contaminants; (B) methods to ensure that any equipment or machinery to be stored on the temporary staging is appropriately secured above mean high water springs, and methods to ensure that no spills into the CMA will occur; (ix) methods to maintain or restrict public access to and along the CMA while the activities are being carried out and how access restrictions will be communicated to affected members of the public; (x) A removal methodology for temporary platform and piles extraction, for mangrove removal and for the disposal of cleared mangroves and all spoil from drilling for piles, to be outside of the CMA; and (xi) Details of reinstatement upon completion of the activities in the CMA.
CST60461583 *(structures)*	21.	*Bridge Crossings of Henderson and Huruhuru Creek* The Consent Holder must design the permanent bridge crossings of Wai-o-Pareira / Henderson Creek and Huruhuru Creek so that the minimum freeboard height of any bridge soffit above mean high water springs is no less than that of the existing adjacent SH16 bridges that cross these watercourses.
CST60461583 *(structures)*	22.	*Permanent Occupation*

Reference	Number	Condition
		(a) The Consent Holder must provide as-built plans of all structures occupying the CMA to the Council within 3 months of the completion of construction. (b) The exclusive occupation of the common marine and coastal area is limited to the busway structure(s) and any other area necessary for the primary purpose of the busway structure(s).
CST60461583 *(structures)*, CST60461584 *(disturbance of seabed (other))*, CST60461585 *(veg removal)*	22A	*Review condition* Under section 128 of the RMA the conditions of this consent may be reviewed by the Council at the Consent Holder's cost: (a) At any time within six months of commencing work on a stage of the Project; or (b) Otherwise, every two years on the anniversary of the grant of consent, to deal with any adverse effect on the coastal environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage.
GROUNDWATER		
WAT60461586	23.	(a) The Consent Holder must design any Major Cut(s) for the Project so that it does not result in: (i) Total settlement at a Building/structure or network utilities beyond the designation boundary of more than 10mm; or (ii) Total differential settlement at a Building/structure or network utilities beyond the designation boundary of more than 1:500. (b) At least twenty (20) working days prior to the commencement of construction, the Consent Holder must provide to the Council for information a summary technical note prepared by a SQEP demonstrating compliance with (a) above that: (i) Includes detailed design drawings of the Major Cut(s); and (ii) Demonstrates through use of analytical or numerical modelling, with an appropriate level of detail, that the design requirements of Condition 23(a) have been met.
WAT60461586	24.	The Consent Holder must construct the Project in accordance with the design drawings provided to the Council through Condition 23(b).
WAT60461586	25.	*Damage Avoidance* The Consent Holder must ensure that all excavation, dewatering systems, retaining structures and associated works, including all temporary and permanent works, must be designed, constructed and maintained so as to avoid any damage to land, buildings, structures and services (including road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture) unless otherwise agreed in writing with the asset owner.
WAT60461586	26.	*Groundwater and Settlement Monitoring and Contingency Plan* The Consent Holder must, at least twenty (20) working days, before Commencement of Excavation, prepare a Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) prepared by a SQEP, for certification by Council addressing groundwater and settlement monitoring for each of the relevant Project stages. The GSMCP must demonstrate how the conditions of this consent will be implemented and must include the following: (a) Details of the groundwater monitoring programme; (b) Details of the ground surface settlement and building movement monitoring required;

Commented [AC5]: NZTA notes that the Panel's draft decision says "*the proposed condition in this case is specific to effects on the coastal environment and surrounding structures*" (paragraph 473). The draft condition is inconsistent with this statement. NZTA has proposed amendments to limit this condition to effects on the coastal environment.

Deleted: This includes but is not limited to potential adverse effects on the coastal environment or surrounding structures.

Commented [AC7]: Additional reference to "structure" recommended to reflect scope of "buildings, structures and services" used in Chapter E7 Taking, using, damming and diversion of water and drilling of the Auckland Unitary Plan.

Commented [AC8]: Sufficient time (consistent with Condition 3) is required for the technical peer review of these summary technical notes, acknowledging the absence of design drawings (as noted in paragraph 249)

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Commented [AC9]: Conditions 25 to 31 recommended by Council's groundwater specialist to address paragraph 250 in the draft decision for the provision of alternative conditions, where Conditions 23 and 24 alone (as proposed) are considered inadequate.

Reference	Number	Condition
		(c) Details of the building risk assessment process and building Condition Survey process; (d) A location plan of settlement and building deformation marks, retaining wall deflection markers and the location of existing and proposed groundwater monitoring bores; (e) The groundwater, deformation and settlement Alert and Alarm Levels (Trigger Levels) to be utilised for early warning of settlement with the potential to cause damage to buildings and services and details of the processes used to establish, and if necessary, to review these triggers; (f) Details on the procedures for notification of the Council in the event that Trigger Levels are exceeded; (g) Options for additional investigations and analyses to determine the potential for groundwater effects or settlement and for damage to structures, including additional groundwater or settlement monitoring and building Condition Surveys; and (h) Details of the contingency measures to be implemented in the event of Trigger Levels being exceeded, including details on the practicable methodologies to avoid, remedy, or mitigate surface settlements with the potential to cause damage to buildings.
WAT60461586	27.	*Risk Assessment* The Consent Holder must undertake a risk assessment to identify existing buildings and structures at risk of damage due to settlement caused by the proposed excavations and construction of retaining walls. The risk assessment process must be set out in the GSMCP and must be based upon the final road alignment and construction methodology for the proposed excavations and retaining walls, the groundwater and settlement monitoring required under this consent, and groundwater and settlement modelling completed using this data. The risk assessment must include: (a) Identification of the zone of influence where differential settlements of greater (steeper) than 1:1,000 are predicted due to the proposed excavations and /or the construction of retaining walls ; (b) Identification of the building types in this zone, and their susceptibility to settlement induced damage; (c) Identification of the buildings and structures at risk of damage due to the proposed excavations and/or the construction of retaining walls. A schedule of the addresses of existing buildings and structures identified as being potentially at risk of damage through the risk assessment process must be included in the GSMCP **Advice Note:** *This requirement does not apply to the Consent Holder's infrastructure or where written approval has been obtained from the relevant network utility operator.* *The Consent Holder should provide the owners of any buildings identified in the schedule , described above, with the modelling outputs relevant to their property and explanation of how risk categories were determined.*
WAT60461586	28.	*Pre-Construction Condition Survey* The Consent Holder must consult with owners of existing buildings and structures identified through the building risk assessment process. The Consent Holder must, subject to the owners' approval on terms acceptable to the Consent Holder, undertake a detailed pre-construction Condition Survey of these structures to confirm their existing condition and enable the sensitivity of the existing buildings and structures to any groundwater and ground settlement changes to be accurately determined. The survey must be completed at least three months prior to the Commencement of Dewatering of any Project stage. The intent of the survey is to assist in enabling the magnitude of allowable effects from changes in groundwater pressure and ground settlement movements to be reasonably determined. The survey must be undertaken by a SQEP.

Reference	Number	Condition
		The survey must include, but not necessarily be limited to, the following: (a) Major features of the buildings and site developments, including location, type, construction, age, and existing Condition; (b) Type and capacity of foundations; (c) Existing levels of aesthetic damage; (d) Existing level of structural distress or damage; (e) Assessment of structural ductility; and (f) Susceptibility of structure to movement of foundations, including consideration of the local geological conditions. The Consent Holder must provide the results of the pre-construction survey and any associated modelling summaries to the respective property owner(s) upon request.
WAT60461586	29.	*Post-Construction Condition Surveys* Unless otherwise agreed in writing with the building owner that such survey is not required, the Consent Holder must (subject to the owner(s) approval), within six months of the Completion of Dewatering of any Project stage undertake a post construction survey of all buildings for which pre-construction condition surveys were undertaken. If any building damage is identified by the SQEP and is determined to be due to the Project activities the Consent Holder must, subject to the agreement of the landowner, repair the damage in full. The Consent Holder may, if they are able to provide evidence (of a suitably qualified and experienced independent expert) show the deformation was not caused by activities related to this consent, seek written approval from the Council to waive this Condition. If any building damage is identified following completion of the pre-construction survey, the survey must determine the likely cause of damage.
WAT60461586	30.	*Additional Condition Surveys* The Consent Holder must, at the direction of the Council, and subject to the owner's approval, undertake an additional survey on any existing building or structure surveyed, for the purpose of checking for damage and for following up on a report of damage to that building. The requirement for any such survey will cease six (6) months after the Completion of Dewatering of any Project stage. The Consent Holder must ensure that a copy of the pre, post-construction and any additional building survey reports are provided to the respective property owner(s). A copy is also to be made available to Auckland Council upon request (unless the property owner(s) has instructed the Consent Holder not to do so). The building condition surveys required by the conditions of this consent must be undertaken by an independent and SQEP. When requested in writing by the Council, the Consent Holder must provide the contact details and qualifications of this person within five (5) working days.
WAT60461586	31.	*Repair of Damage* If the consent holder becomes aware of any damage to buildings, structures or services, identified through the post construction condition survey or additional condition surveys, or in part, by the exercise of this consent, the consent holder must: (a) Notify Council and the asset owner within 5 working days of the consent holder becoming aware of the damage; (b) Engage an appropriately qualified engineering professional to prepare an interim report that: describes the damage; identifies the cause of the damage; identifies methods to remedy and/or mitigate the damage that has been caused; identifies the potential for further damage to occur; and describes actions that will be taken to avoid further damage. (c) Provide a copy of the interim report, prepared under (b) above, to Council and the asset owner within ten (10) working days of notification under (a) above.

Reference	Number	Condition
		Undertake such repairs in accordance with the approved methodology, set out in the report prepared under (b) above, at its (or its insurance providers) cost; subject to the approval of the asset owner; unless written approval for this damage is provided to the Council from the owners.