

## **Attachment 15**

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Proposed conditions of consent

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### **General conditions**

1. Except as provided for in the conditions below, the activities authorised by this consent shall be undertaken in general accordance with the information and plans submitted by the Consent Holder with the application, including:
  - (a) Application form, Statutory Analysis and Assessment of Effects on the Environment prepared by Bentley & Co. Ltd titled “Bledisloe North Wharf and Fergusson North Berth Extension” and dated February 2025.
  - (b) The reports listed at **Attachment 1**.
  - (c) The plans listed at **Attachment 2**.

Where any conflict between the documents and these conditions of consent exists, the conditions of consent shall prevail.

### **Lapse**

2. In accordance with clause 26 of Schedule 5 to the Fast-track Approvals Act 2024, this consent lapses five years after the date it commences unless the consent is given effect to at an earlier date.

### **Duration**

#### Bledisloe North Wharf

3. Permit [ref no. Bledisloe North Wharf] shall expire 35 years from being given effect to unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

#### Fergusson North Berth

4. Permit [ref no. Fergusson North Berth] shall expire on 4 August 2052 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

#### Industrial Trade Activity discharge

5. Permit [ref no. Industrial Trade Activity discharges] shall expire on 28 February 2045 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

### **Management plans**

6. The following management plans required by a condition of this resource consent shall be submitted to the Council (Team Leader Compliance Monitoring – Central) for

certification. Unless stated otherwise within these conditions, the management plans shall be submitted at least ten working days prior to commencement of the works to which they relate:

- (a) A Construction Management Plan (refer to Conditions 16 to 18).
- (b) An Erosion and Sediment Control Plan (refer to Conditions 21 to 24).
- (c) An Underwater Construction Noise Management Plan (refer to Conditions 32 to 34).
- (d) An Operation and Maintenance Plan (refer to Conditions 40 to 42).
- (e) An updated Environmental Management Plan: Stormwater (refer to Conditions 44 to 47).
- (f) A Transport Management Plan (refer to Conditions 51 to 53).
- (g) A final Little Penguin Management Plan (refer to Conditions 62 to 65).

The certification process shall be confined to confirming that the management plan adequately gives effect to the relevant condition(s).

- 7. Any management plan required by Condition 6 shall be prepared by a Suitably Qualified and Experienced Person(s) ("SQEP").
- 8. Any management plan required by Condition 6 may be submitted in parts or stages to reflect staged implementation of the Project, or to address specific activities authorised by the consent.
- 9. Any changes to the management plans required by Condition 6 must be submitted to the Council (Team Leader Compliance Monitoring – Central) for re-certification as soon as practicable.
- 10. No works that are subject to the relevant management plan required by Condition 6 shall commence until the relevant management plan has been certified by Council (Team Leader Compliance Monitoring – Central) and all measures identified in that plan as needing to be put in place prior to the start of those works are in place.
- 11. The Consent Holder must comply with all certified management plans at all times.
- 12. A copy of the relevant certified management plans shall be held on each of the project sites at all times.

#### **Pre-construction meetings and notification**

- 13. No less than five working days prior to commencement of the consented works or stage of consented works, the Consent Holder shall arrange a preconstruction meeting with Council (Team Leader Compliance Monitoring – Central) in conjunction with relevant technical specialists, as required) as well as the site contractor. Representatives of Ngāti

Whātua Ōrākei, Te Ākitai Waiohūa, and Ngaati Te Ata Waiohūa shall also be invited to attend.

14. The purpose of the pre-construction meeting is to share information in respect of the works methods, management plan requirements and compliance with the conditions of the resource consents and ensure appropriate tikanga and kawa (customary practices and protocols) are being applied throughout the construction of the Project.
15. The following information shall be made available by the Consent Holder at the pre-construction meeting:
  - (a) Conditions of consent;
  - (b) Approved (signed/stamped) construction plans;
  - (c) Timeframes for key stages of the works authorised under these consents;
  - (d) Contact details of the site contractor, site engineer and other key contractors; and
  - (e) All certified Management Plans.

### **Construction Management**

16. The Consent Holder shall prepare a Construction Management Plan (“CMP”) for the proposed works in accordance with Conditions 6 to 9.
17. The objective of the CMP is to:
  - (a) Ensure that the construction works remain within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects and risk arising from construction activities.
  - (b) Ensure that navigation and safety management procedures are implemented to effectively coordinate with port authorities, delineate operational boundaries, and implement timely emergency and remediation measures to avoid, remedy or mitigate potential adverse effects and risks associated with construction activities.
18. For certification purposes, the CMP shall, at a minimum:
  - (a) Outline the proposed construction methodology, staging, processes and techniques to be used for the Project, including for:
    - (i) The installation of temporary structures.
    - (ii) Piling.
    - (iii) Remedying any disturbance resulting from works.
    - (iv) Removal of any temporary piles associated with temporary access/support.

- (b) Set out the construction works programming, including:
    - (i) An outline construction programme.
    - (ii) Confirmation of the proposed staging and sequence of construction.
  - (c) Detail the proposed approach to site management including:
    - (i) The measures to be adopted to maintain the construction zone and adjacent parts of the CMA in a tidy condition in terms of storage and unloading of materials, refuse storage and disposal and other activities.
    - (ii) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g. portaloos).
    - (iii) The location of construction machinery access and storage during the period of site works, including any temporary mooring of the barge(s) and other workboats.
    - (iv) A contingency plan and associated communication protocol for oil spills on land and over water during construction.
    - (v) The procedures for controlling sediment run off into the CMA set out in the Erosion and Sediment Control Plan required by Condition 21, and the removal of any debris and construction materials from the CMA.
    - (vi) Site clean-up and remediation following works completion.
    - (vii) The roles and responsibilities and contact information to enable real-time communication with Port of Auckland Harbour Control as required to maintain navigational safety.
    - (viii) The boundaries of the construction zones to prevent conflict between port operations and construction activity, both ashore and in the CMA.
    - (ix) The procedures in place to respond to any emergency, whether created by construction activity or from external maritime activities.
    - (x) The measures to ensure that any risks created by external maritime activities are mitigated.
  - (d) Outline the methods and procedures for consultation and communications with Mana Whenua and Council.
19. During construction works, the Consent Holder shall maintain a record of any complaints received about the construction works. The record shall include:
- (a) The date, time and nature of the complaint.
  - (b) The name, phone number and address of the complainant (unless the complainant wishes to remain anonymous).

- (c) Measures taken to respond to the complaint (including a record of the response provided to the complainant) or confirmation of no action if deemed appropriate.
  - (d) The outcome of the investigation into the complaint.
  - (e) Any other activities in the area, unrelated to the Project that may have contributed to the complaint, such as non-project construction, fires, traffic accidents or unusually dusty conditions generally.
20. A copy of the complaints record required by Condition 19 shall be made available to Council (Team Leader, Compliance Monitoring – Central) on request.

**Erosion and sediment control**

21. The Consent Holder shall prepare an Erosion and Sediment Control Plan (“ESCP”) in accordance with Conditions 6 to 9.
22. Unless agreed otherwise with Council (Team Leader – Compliance Monitoring – Central), the ESCP shall, at a minimum, include the following information as appropriate to the scale, location and type of earthworks:
- (a) Drawings showing location and quantities of earthworks, contour information, catchment boundaries and erosion and sediment controls (location and dimensions).
  - (b) Supporting calculations for erosion and sediment controls.
  - (c) Details of construction methods to be employed, including timing and duration.
  - (d) Specific procedures for managing the exposure of fine material during revetment works (rock removal).
  - (e) A programme for managing exposed area, including progressive stabilisation considerations.
  - (f) Monitoring, maintenance and record-keeping requirements.
  - (g) Contingency measures for spills and large storm events.
23. Earthworks must not, after reasonable mixing, result in any of the following effects in receiving waters:
- (a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - (b) Any conspicuous change in the colour or visual clarity.
  - (c) Any emission of objectionable odour.
  - (d) Any significant adverse effects on aquatic life.

24. The Consent Holder shall inspect the erosion and sediment controls at the site of the works on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record shall be kept of the date and time of the inspection and the date, time and details of any maintenance undertaken. These details shall be forwarded to Council (Team Leader, Compliance Monitoring – Central) on request.

**Construction traffic management**

25. During construction, the Consent Holder shall ensure:
- (a) All access routes and points for all construction vehicles, laydown areas, and parking areas for plant, construction vehicles and the vehicles of workers and visitors are contained within the Port of Auckland
  - (b) There are practices and procedures in place to protect the safety of workers and users of the Port of Auckland at all times.
  - (c) Access is maintained at all times for all modes of transport to / from the Project area.
  - (d) Disruption from construction traffic on the Port of Auckland is minimised as far as is practicable.
  - (e) There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from construction works. In the event that such deposition does occur, it shall immediately be removed.

**Navigation and safety**

26. Prior to the Commencement of Construction of the Bledisloe North Wharf and/or Fergusson North Berth Extension, the Consent Holder shall consult the Auckland Harbourmaster to identify the appropriate location, number and types of temporary aids to navigation (shapes, signs or lights) required for the construction phase of the Project (including for the temporary and/or permanent coastal structures). The aids to navigation as approved by the Harbourmaster shall be provided and maintained by the Consent Holder at its cost, in compliance with Maritime New Zealand guidelines, and the Auckland Port and Harbour Marine Safety Code.
27. The Consent Holder shall ensure that lighting used for and during construction is designed, used and maintained in a manner so as to avoid any visual interference with temporary or existing permanent navigational lights.



28. The Consent Holder shall request, as part of Condition 26, that the Harbourmaster issue a Notice to Mariners at least five working days prior to the commencement of the works.
29. The Consent Holder shall ensure that real-time VHF communications is available at the work site to enable direct VHF communications with Port of Auckland Harbour Control on CH12. Channel 16 is to be monitored while any activity is being undertaken that may impact, or could be impacted by port marine activities.
30. The Consent Holder shall notify the Auckland Harbourmaster in writing of completion of works within two working days of the completion of the last Project activity on the wharf structures that may have an effect on the marine environment or maritime and navigational operations.
31. The Consent Holder shall on completion of works, provide the Auckland Harbourmaster, and the Land Information NZ (LINZ) Hydrographic Office in writing within ten working days of completion of the Project or stage of the Project, details of the 'As-Built' extent and elevation of the wharves, related structures and lights and request for the associated nautical chart and 'List of Lights' be updated.

#### **Underwater construction noise management**

32. The Consent Holder shall prepare an Underwater Construction Noise Management Plan ("UCNMP") in accordance with Conditions 6 to 9.

*Advice note: The application documents contain a draft UCNMP which will be finalised in accordance with this condition of consent.*

33. The objective of the UCNMP is to:
  - (a) Manage the underwater noise effects of construction activities on marine mammals;  
and
  - (b) Confirm the predicted temporary threshold shift zones ("TTS") based on the selected piling methodology.
34. For certification purposes, the UCNMP shall, at a minimum:
  - (a) Detail the measures to manage underwater noise effects on marine mammals, including:
    - (i) Methods to reduce the noise at source by selecting pile driving equipment and methodologies that generate lower noise emissions.
    - (ii) The approach to scheduling of high noise works based on the ecologist's recommendations to manage pile driving during sensitive seasonal periods.

- (iii) Methods to mitigate noise from piling works, including where necessary the use of bubble curtains, or other systems to reduce noise propagating into and through the water column.
- (iv) Validation of the underwater noise levels and mitigation, including underwater noise measurements to validate the size of the predicted zones and review of the effectiveness of mitigation and management measures.
- (v) Marine mammal and little penguin observation processes to identify marine mammal presence within the predicted TTS during piling, comprising visual monitoring from a static land-based observation point(s) 30 minutes prior to commencing all impact piling operations.
- (vi) Shut down procedures in the event that a marine mammal is detected within or approaching the TTS zones.

#### **Stormwater management works**

35. The following stormwater management works shall be constructed for the following catchment areas and design standards prior to the commencement of activities from the Project area:

Works to be undertaken	Device Catchment Area	Design Guideline
Bledisloe North Berth	8,773m <sup>2</sup>	75% TSS removal

*Advice note: Fergusson Wharf has already been fitted with a stormwater management device that has been sized and designed to meet these requirements.*

36. In the event that any modifications to the stormwater management works are required, the following information shall be provided to and certified by the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), prior to implementation:
- a) Plans and drawings outlining the details for the new stormwater system and treatment system at Bledisloe North berth; and
  - b) Plans and drawings outlining the details of any modifications to the Fergusson North berth stormwater treatment system; and
  - c) Supporting information that details how the proposal does not affect the capacity or performance of stormwater management works.

Post-Construction Meetings

37. The Consent Holder or their agent shall arrange and conduct a post construction site meeting within 30 working days of completion of installation of the stormwater management works specified in Condition 35 between Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input) and all relevant parties, including the Consent Holder’s engineering advisor. As-Built Plans as specified in Condition 38 shall be made available for this meeting.

Certification of Construction Works

38. “As-Built” plans for the stormwater management works specified in Condition 35 shall be certified as a true record of stormwater management works by a Chartered Professional Engineer and submitted to the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), within 30 working days of the completion of the stormwater management works.
39. The “As-Built” plans of the stormwater management works shall include:
- a) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of New Zealand Map Grid and LINZ datum.
  - b) Plans and details of the stormwater management works, including confirmation of the water quality volume and storage volume.
  - c) Documentation of any discrepancies between the design plans and the “As-Built” plans.

Operation and Maintenance Plan

40. Within 30 working days of completion of the installation of the stormwater management works the Consent Holder shall prepare an updated Operation and Maintenance Plan (“OMP”) (contained in the “Commercial Port of Auckland: Standard Operating Procedures and Inspection and Maintenance Requirements” document) for the stormwater management works in accordance with Conditions 6 to 9.
41. The objective of the updated OMP is to set out how the stormwater management works are to be operated and maintained to the design standard set out in Condition 35 so that adverse effects are minimised.
42. For certification purposes, the OMP shall include, at a minimum:
- i) A programme for regular maintenance and inspection of the stormwater; management works authorised under Condition 35 of this Consent.

- ii) A programme for the collection and disposal of debris and sediment collected by the stormwater management works or practices.
- iii) A programme for post storm/post spill maintenance.
- iv) General inspection checklists for all aspects of the stormwater management works.
- v) Details of the person or bodies who will hold responsibility for long-term maintenance or the stormwater management works and the organisational structure which will support this process.

#### Operation and Maintenance Plan

43. The stormwater management works shall be inspected and managed by the Consent Holder in accordance with the OMP as required by Condition 40.

#### Site Management

44. The site shall be operated and managed in accordance with an updated Environmental Management Plan: Stormwater ("EMP:S") to ensure the risks from the site are managed appropriately.
45. The updated EMP:S shall include but not be limited to:
- i) Identification of the specific activities conducted on site and the identification of potential contaminants associated with the activities conducted on the site.
  - ii) Methods used to manage environmental risks from site activities and ensure that contaminants identified avoid contacting stormwater runoff as far as practicable.
  - iii) An emergency spill response plan.
  - iv) An up-to-date and accurate site drainage plan showing the location of the final discharge point of the site stormwater management works.
  - v) Identification of appropriate auditing requirements to ensure performance of all components of the updated EMP:S.
46. The EMP:S document shall be kept on site and accessible at all times.
47. The EMP:S shall be reviewed by the Consent Holder annually each July following the date of completion of the works, or as part the incident review for a major pollution incident at the structure, to ensure all components of the EMP:S are still relevant. A summary of all revisions and the revised sections shall be submitted to Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input) as part of the annual report required by Condition 49.

48. All spills of Hazardous Substances of Classes 1 to 6, 8 and 9 over 20 litres and all spills of other hazardous substances over 50 litres that have entered the stormwater system or waterbody from the wharf shall be reported immediately to the Auckland Council's Harbourmaster or the Auckland Council's 24 Hour Water Pollution Hotline (09-377-3107).

Annual Reporting Requirements

49. A report shall be forwarded annually to the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), each July following the completion of the works.

The above report shall include but not be limited to:

- i) All aspects of the performance of the EMP:S relating to this consent, including results of any audits required by Condition (v).
- ii) All documentation associated with the updated EMP:S as required by Condition 45.
- iii) Details of all inspections and maintenance of the stormwater management works for the preceding 12 months.
- iv) Details of the person(s) or body responsible for maintenance of the site.
- v) Records of any spills or incidents which occurred within the previous 12 months and the response which was undertaken.

Review Condition

50. The conditions of this ITA consent may be reviewed by Auckland Council pursuant to s 128 of the RMA, by giving notice pursuant to s 129 of the RMA, at two yearly intervals after [date].

The purpose of the review may be for any of the following purposes; namely:

- i) To deal with any adverse effect on the environment which may arise from the exercise of the Industrial or Trade Activity consent or upon which the exercise of the Industrial or Trade Activity consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:
  - a) insert conditions, or modify existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this consent and to report the result of that monitoring to Auckland Council; and/or

- b) insert conditions, or modify existing conditions, to require the Consent Holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to Auckland Council;
- c) the conditions may relate to matters contained in s 108(4) of the RMA.
- ii) Insert conditions, or modify existing conditions, to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

### **Transport management plan**

- 51. At least ten working days prior to the first berthing of a cruise ship at Bledisloe North Wharf, the Consent Holder shall prepare a 'Transport Management Plan ("TMP") in accordance with Conditions 6 to 9.
- 52. The objectives of the TMP are to:
  - (a) Ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising the Bledisloe North Berth are adequately managed.
  - (b) Ensure the safe and efficient operation of marine and port activities at the Port of Auckland at all times.
  - (c) Provide for a safe and secure environment at the Port of Auckland.
  - (d) Ensure public access is provided between the cruise terminal building and Quay Street.
- 53. For certification purposes, the TMP shall, at a minimum, include:
  - (a) Details of the boundary between the cruise terminal facility and the adjacent public network.
  - (b) Details of the key transport infrastructure elements within the cruise terminal facility.
  - (c) Details of the proposed external network access points and internal circulation by transport mode.
  - (d) Details of the key interfaces with other Port of Auckland operations.
  - (e) Details on the management and operation of coaches and taxi / rideshare vehicles within the cruise terminal facility, including the provision of marshals.

- (f) Details of the separated routes (using concrete barriers or similar) for different vehicle types between the Tinley Street access and egress and the transfer facility, including the provision of marshals, as well as identified speed limits.
- (g) Details of the management and dedicated route for pedestrians between the processing centre and Quay Street, including the 'meet and greet' area north of Quay Street.
- (h) Details of how the cruise ship passengers will be provided with information on routes to / from the city centre, including any marshals / wayfinding signage to be located along the route.
- (i) Details of how the cruise ship passengers will be provided with information on travel options for the facility, particularly nearby parking and pick-up or drop-off options for those needing to travel by private car.
- (j) Details of how the interface with staff parking on the entry and exit routes off Tinley Street will be managed.
- (k) Details of the access and egress routes between Tinley Street and the site, including the proposed management procedures for the entry / exit gates.

### **Water quality monitoring**

54. The Consent Holder shall undertake water quality monitoring at least once per week during the excavation of the toe trench at Bledisloe North Wharf until 12 sets of water quality samples are collected, to confirm that the increase in total suspended solid (TSS) concentration downstream of the excavation activity is within the expected range. Water quality samples shall be collected:
- (a) On a day that dredging is occurring.
  - (b) On an ebb-tide any time within the 1.5 hour period before low tide or the 1.5 hour period after high tide. or
  - (c) On an ebb-tide any time within the mid-tide being the three hour period that starts 1.5 hours after high tide and ends 1.5 hours before low tide.
  - (d) From the surface (approximately 0.5m below the water surface) and above near the seabed (approximately 0.5m above the seabed) at each of the following sites:
    - i. At an up-drift control site located at least 500m beyond the operations.
    - ii. At a dilution gradient site 50m down-drift of the operations aligned approximately along the axis of the tidal stream.

- iii. At a compliance site 200m down-drift of the operations aligned with the excavation activity.
55. The Consent Holder shall ensure that the dilution gradient and compliance site samples are representative of the plume generated by the operations (i.e. not collected before the plume has had a chance to develop upon the start of the operations and not after the plume has had a chance to dissipate upon completion of the operations).
56. The Consent Holder shall have the samples analysed for TSS concentration.
57. During the sampling required by Condition 54, the Consent Holder shall take and maintain a photographic record of the dredging plume:
- (a) The photographs being taken from an elevated vantage point within 1 hour of the samples being collected under Condition 54.
  - (b) The photographs showing the full extent of any visible plume or water discolouration.
  - (c) Documenting the date and time, sea state conditions, and the approximate extent of the noticeable sediment plume.
58. In the event the TSS at the compliance site exceeds 25g/m<sup>3</sup> above TSS at the control site (for the same position in the water column for both samples i.e. comparing top samples with top samples and bottom samples with bottom samples), the Consent Holder shall provide details of any contingency measures to be implemented in accordance with this condition to Council (Team Leader Compliance Monitoring Central) no later than 5 working days after the exceedance occurs. These shall include further monitoring measures in the first instance or a site-specific effects assessment, and practical modifications to the relevant activities where further monitoring identifies repeated exceedances. Such modifications may include suspending or altering the excavation methodology or reducing production rates.
59. Within 10 working days of the completion of all water quality sampling required by Condition 54, the Consent Holder shall summarise and submit the results to Council (Team Leader Compliance Monitoring Central) along with information concerning:
- (a) The relationship between up-stream and downstream data.
  - (b) Recommendations for any changes to on-going monitoring and reporting for the balance of the duration of the consent.
60. If the water quality sampling undertaken as required by Condition 54 shows no exceedance of the water quality trigger, the consent holder shall continue to monitor the dredging plume using visual monitoring as set out in Condition 57. The photographic record



should be maintained and be made available to Council (Team Leader Compliance Monitoring Central) on request.

61. In the event that a noticeable sediment plume outside of the consent area that is not localised and is not of a short duration is observed, the consent holder shall take a photographic record and the dredging activity shall cease, and the consent holder shall immediately notify and consult with the Council (Team Leader Compliance Monitoring Central) to determine an appropriate course of action to minimise further sediment discharges and any adverse effects associated with the plume.

### **Little penguin management**

62. The Consent Holder shall submit a final a Little Penguin Management Plan ("LPMP") in accordance with Conditions 6 to 9.

*Advice note: The application documents contain a draft LPMP which will be finalised through this condition of consent.*

63. The objectives of the LPMP shall be to:
- a. Provide the framework for responding to little penguin finds in pre-construction surveys or an unexpected find of little penguin during construction works.
  - b. Ensure appropriate methods and procedures are in place to protect little penguins in the event they are found during construction of the Project.
64. For certification purposes, the LPMP shall, at a minimum include:
- a. The methods and processes for:
    - (i) Surveying and monitoring for Little Penguin both pre-construction and during construction.
    - (ii) Training construction staff for what to do in the event a Little Penguin is found during construction.
    - (iii) Reporting and communicating the presence of Little Penguin within the Project area.
    - (iv) Responding to a Little Penguin sighting within or near to the Project area.
    - (v) The management and relocation of Little Penguin if found within or near to the Project area.
65. Prior to any construction work being undertaken in relation to the Bledisloe North Berth, the Consent Holder shall ensure that the northern Bledisloe Terminal rock bund is checked for the presence of Little Penguin by a SQEP. If any Little Penguin are identified within or

adjacent to the construction area and are considered to be at risk by the SQEP and would benefit from translocation, then they shall be translocated to other suitable habitat in accordance with the processes set out in the LPMP.

### **Ecological Enhancement**

66. Prior to the commencement of construction works the Consent Holder shall, in conjunction with a SQEP, prepare final plans that makes provision for:
- (a) The addition of fish habitat ‘houses’ to the outside of steel piles at both ends of the Bledisloe North Wharf:
    - i. The fish habitat ‘houses’ can be constructed from eco-concrete or pottery clay-like materials (or similar) and attached to the piles using straps, with at least two ‘houses’ per strap and two straps per pile, fitted to at least 18 piles, and positioned at different tidal levels (low tide to 5m below low tide).
  - (b) The addition at least 18 blue or green mussel rope units between the outside one to two rows of piles at selected locations within the Port (typically external wharf areas with higher current velocities):
    - i. Ropes shall be maintained at or below mean low tide.
    - ii. Suggested locations include the seaward ends of the B1 Wharf, Jellicoe Wharf, and Freyberg Wharf where they would have no effect in relation to vessel berthing or other port activities.
    - iii. At each location at least three clusters of rope shall be installed.
67. The works in Condition 66 shall be implemented after the completion of the construction work and prior to the commencement of the use of Bledisloe North Wharf.

### **Contamination**

68. All earthworks shall be undertaken in accordance with the Contaminated Soils Management Plan, prepared by Beca Limited and dated 19 September 2024 (‘the CSMP’). Any variations to the CSMP shall be submitted to the Team Leader Compliance Monitoring – Central for certification, in conjunction with the Contaminated Land Specialist, that it appropriately manages actual and potential soil contamination effects and is within scope of this consent.
69. Should earthworks be undertaken within the current operational area of the substation building at the Bledisloe Terminal and the associated hazardous storage area and former

concrete structures, soil sampling across these areas shall be undertaken. Based on the findings of this soil sampling, the CSMP shall be updated as necessary and submitted to the Team Leader Compliance Monitoring – Central for certification, in conjunction with the Contaminated Land Specialist.

70. During earthworks all necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil and/or other dust suppressing measures shall be available to avoid dust formation. The Consent Holder shall ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing Dust (Ministry for the Environment, 2016).
71. In the event of accidental discovery of contamination during earthworks which has not been previously identified, the Consent Holder shall immediately cease the works in the vicinity of the contamination hotspot and notify the Team Leader Compliance Monitoring – Central. A suitably qualified and experienced contaminated land practitioner (SQEP) shall be engaged to assess the situation (including possible sampling and testing) and decide on the best option for managing the material.
72. Excavated material that is not re-used on site shall be disposed of at an appropriate facility licensed to accept the levels of any identified contamination.
73. Following the completion of the soil disturbance works, the site contractor or nominated SQEP will prepare a Site Closure Report ('SCR') summarising the works completed (including records of soil removed from the site, the results of any additional investigations, accidental soil contamination discoveries, and other complaints or incidents). The SCR will be submitted to Auckland Council for certification.

#### **Coastal processes monitoring**

74. Within six months of completion of the Project, the Consent Holder shall undertake the following:
  - a. Acoustic Doppler Current Profiler ("ADCP") measurements to provide continuous data on current conditions, detecting any changes in the harbour environment. Measurements shall be undertaken before construction and then every two years following completion of construction for a period of six years.
  - b. Bathymetric surveys that shall be undertaken prior to the commencement of construction and then every two years following completion of construction for a period of six years.

The results of the above surveys shall be submitted to the Team Leader Compliance Monitoring – Central.