

## **Attachment 1**

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Changes to draft conditions in  
response to comments from  
Auckland Council

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Changes requested by Port of Auckland Limited on 14 August are shown in ~~strikethrough~~ and underline  
Changes proposed by Port of Auckland Limited in response to feedback received from Auckland Council are shown in ~~strikethrough~~ and underline

## **APPENDIX 1: CONDITIONS OF CONSENT – RMA APPROVALS**

DRAFT

## **BLEDISLOE WHARF**

### **General conditions applicable to all consents**

1. Except as provided for in the conditions below, the activities authorised by this consent must be undertaken in general accordance with the information and plans submitted by the Consent Holder with the application, including:
  - (a) The document prepared by Bentley & Co. Ltd titled "Substantive Application for the Bledisloe North Wharf and Fergusson North Berth Extension" and dated March 2025.
  - (b) The reports listed at **Attachment 1**.
  - (c) The plans listed at **Attachment 2** (collectively referred to in these conditions as **"the Project"**).

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

#### *Lapse*

2. In accordance with clause 26 of Schedule 5 to the Fast-track Approvals Act 2024, these consents lapse five years after the date of commencement.

#### *Management plans*

3. The following management plans required by a condition of this resource consent must be submitted to the Council (~~Team Leader Compliance Monitoring – Central~~) for certification. Unless stated otherwise within these conditions, the management plans must 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 14 to 16).
  - (b) An Erosion and Sediment Control Plan (refer to Conditions 40 to 43).
  - (c) An Underwater Construction Noise Management Plan (refer to Conditions 25 to 26).
  - (d) An Operation and Maintenance Plan (refer to Conditions 60 to 62).
  - (e) An updated Environmental Management Plan: Stormwater (refer to Conditions 64 to 68).
  - (f) A Transport Management Plan (refer to Conditions 45 to 47).

The purpose of the certification process is to confirm that the management plan gives effect to the relevant condition(s) and will ensure compliance with any standards or limits or other requirements specified in those conditions.

4. All management plans required by Condition 3 must be prepared by a Suitably Qualified and Experienced Person(s) ("SQEP").
5. All management plans required by Condition 3 may be submitted in parts or stages to reflect staged implementation of the Project, or to address specific activities authorised by the relevant consent.
6. Any changes to the management plans required by Condition 3 must be submitted to the Council (~~Team Leader Compliance Monitoring – Central~~) for re-certification as soon as practicable and any changes may only be implemented once certification has been received.
7. Any works that are subject to a management plan required by Condition 3 must only commence once that management plan has been certified by the Council (~~Team Leader Compliance Monitoring – Central~~) and all measures identified in that plan as

needing to be in place prior to the start of those works are in place.

8. The Consent Holder must comply with all certified management plans at all times.
9. A copy of the relevant certified management plans must be held on the project site at all times.

#### Advice Note

Management measures to avoid, remedy or mitigate the adverse effects of construction activities on little penguin | kororā are addressed in a Little Penguin Management Plan annexed to a Wildlife Permit issued in respect of the Project.

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

10. No less than five working days prior to commencement of the works or stage of works authorised by these consents, the Consent Holder must arrange a pre-construction meeting with the 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 Waiohū, and Ngaati Te Ata Waiohū must also be invited to attend.
11. 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 is observed and kawa (customary practices and protocols) are being applied throughout the construction of the Project.
12. The following information must 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.

#### **Coastal permit – CST60445200**

##### *Duration*

13. These consents expire 35 years from the date of commencement unless they have lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

##### *Construction Management*

14. The Consent Holder must prepare a Construction Management Plan ("CMP") for the activities authorised by these consents in accordance with Conditions 3 to 6.
15. The objective of the CMP is to:
  - (a) Ensure that the construction works remain within the limits and standards specified in these consents and set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects of 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 of construction activities.
16. For certification purposes, the CMP must, 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 ~~and any other structures (if any)~~ 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 41, 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.
    - (xi) The measures to avoid the spread of unwanted organisms associated with the removal of redundant piles and rock from Bledisloe Wharf.
  - (d) Outline the methods and procedures for consultation and communications with ~~Mana Whenua~~ Ngāti Whātua Ōrākei, Te Ākitai Waiohūa, and Ngāati Te Ata Waiohūa and Council.
17. During construction works, the Consent Holder must maintain a record of any complaints received about the construction works. The record must 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.
18. A copy of the complaints record required by Condition 17 must be made available to Council (Team Leader, Compliance Monitoring – Central) on request.

**Advice Note**

~~Management measures to avoid, remedy or mitigate the adverse effects of construction activities on little penguin | kororā are addressed in a Little Penguin Management Plan annexed to a Wildlife Permit issued in respect of the Project~~

*Navigation and safety*

19. Prior to the commencement of activities authorised by these consents, the Consent Holder must:
- (a) consult the Auckland Harbourmaster to identify and confirm 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) in order to ensure compliance with Maritime New Zealand guidelines, and the Auckland Port and Harbour Marine Safety Code; and
  - (b) provide, at its cost, all aids to navigation confirmed by the Auckland Harbourmaster as being required; and
  - (c) request, that the Auckland Harbourmaster issue any applicable Notice to Mariners in respect of the above.
20. The Consent Holder must ensure that lighting used for and during construction is designed, used and maintained in a manner that avoids visual interference with temporary or existing permanent navigational lights.
21. The Consent Holder must maintain, at its cost, the aids to navigation referred to in Condition 19 for the duration of the Project to the satisfaction of the Auckland Harbourmaster.
22. The Consent Holder must ensure that real-time VHF communications are available at the work site to enable direct VHF communications with Port of Auckland Harbour Control on Channel 12. Channel 16 is to be monitored while any activity is being undertaken that may impact on, or could be impacted by, port marine activities.
23. The Consent Holder must notify the Auckland Harbourmaster in writing 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.
24. Within ten working days of completion of the Project or stage of the Project the Consent Holder must provide the Auckland Harbourmaster, and the Land Information NZ (LINZ) Hydrographic Office, in writing, details of the 'As-Built' extent and elevation of the wharves, related structures and lights and request that the associated nautical chart and 'List of Lights' be updated accordingly.

*Underwater construction noise management*

25. The Consent Holder must ensure that underwater noise from construction activities minimises, to the extent practicable, adverse effects on marine mammals and kororā by:
- (a) Selecting pile driving equipment and methodologies that minimise noise emissions

to the extent practicable;

- (b) Where necessary, using bubble curtains or other systems to reduce noise propagating into and through the water column;
  - (c) Validating underwater noise levels and mitigation, including the size of the Temporary Threshold Shift ("TTS") zones;
  - (d) Undertaking marine mammal and little penguin | kororā observations from a static land-based observation point(s) 30 minutes prior to commencing pile driving to identify their presence within the TTS; and
  - (e) Shutting down pile driving when a marine mammal is detected within or approaching the TTS zones and only recommencing pile driving once the marine mammal is no longer detected in the TTS zones.
26. The Consent Holder must prepare an Underwater Construction Noise Management Plan ("UCNMP") in accordance with Conditions 3 to 6 in general accordance with the draft UCNMP lodged with the application, in order to demonstrate how compliance with Condition 25 will be achieved and to confirm the extent of the TTS zones.
27. Pile driving pursuant to these consents must not occur concurrently with pile driving undertaken pursuant to the consents authorising the expansion of Fergusson Wharf to ensure compliance with Condition 25.

*Captain Cook Wharf and Marsden Wharf Transfer*

28. Within 36 months of the commencement of construction works authorised by this consent, the Consent Holder must provide written evidence to the ~~Team Leader Compliance and Monitoring Central, Auckland~~ Council, confirming that an agreement has been entered into between Ports of Auckland Limited and Auckland Council for the transfer of Captain Cook Wharf and Marsden Wharf to Auckland Council.

*Water quality monitoring*

29. The Consent Holder must undertake total suspended solids concentrations (TSS) 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.
30. Samples must 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.

31. The Consent Holder must 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).
32. During the sampling required by Conditions 29 and 30, the Consent Holder must 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 in accordance with Conditions 29 and 30.
  - (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.
33. 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 must provide details of any contingency measures to be implemented in accordance with this condition to the Council (~~Team Leader Compliance Monitoring Central~~) no later than 5 working days after the exceedance occurs. These contingency measures must in the first instance include further monitoring or a site-specific effects assessment, and practicable modifications to the relevant activities. Such modifications may include suspending or altering the excavation methodology or reducing production rates.
34. Within 10 working days of the completion of all water quality sampling required by Conditions 29 and 30, the Consent Holder must summarise and submit the results to the 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.
35. If the water quality sampling undertaken as required by Conditions 29 and 30 shows no exceedance of the water quality trigger, the consent holder must continue to monitor the dredging plume using visual monitoring as set out in Condition 32. The photographic record should be maintained and be made available to the Council (~~Team Leader Compliance Monitoring Central~~) on request.
36. 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 must take a photographic record and the dredging activity must cease, and the consent holder must 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.

#### *Ecological Enhancement*

37. Prior to the commencement of construction works the Consent Holder must, 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 ~~(or similar)~~, 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 must 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 must be installed.
- 38. The works in Condition 37 must be implemented after the completion of the construction work and prior to the commencement of the use of Bledisloe North Wharf.

*Coastal processes monitoring*

- 39. ~~Within six months of completion of the Project, the~~ The Consent Holder must 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 must be undertaken before construction and then every two years following completion of construction for a period of six years.
  - (b) Bathymetric surveys that must 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 must be submitted to the Council within 60 working days of completion of this survey ~~Team Leader Compliance Monitoring – Central~~.

**Land use consent – LUC60445199**

*Erosion and sediment control*

- 40. 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.
- 41. The Consent Holder must prepare an Erosion and Sediment Control Plan ("ESCP") in accordance with Conditions 3 to 6 in general accordance with the draft ESCP lodged with the application, in order to demonstrate how compliance with Condition 40 will be achieved.

42. Unless agreed otherwise with the Council ~~(Team Leader – Compliance Monitoring – Central)~~, the ESCP must, 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.

43. The Consent Holder must 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 must be kept of the date and time of the inspection and the date, time and details of any maintenance undertaken. These details must be forwarded to the Council ~~(Team Leader, Compliance Monitoring – Central)~~ on request.

*Construction traffic management*

44. During construction, the Consent Holder must 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 must 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 must immediately be removed.

*Advice note: The Port of Auckland comprises the land and CMA at 1-19 Quay Street, Auckland Central.*

*Transport management plan*

45. At least ten working days prior to the first berthing of a cruise ship at Bledisloe North Wharf, the Consent Holder must prepare a 'Transport Management Plan ("TMP") in accordance with Conditions 3 to 6. The certified TMP must be implemented for cruise ship embarking and disembarking activities.
46. The objectives of the TMP are to:
- ~~(a) Demonstrate how the requirements of Condition 44 will be achieved.~~

- (b) Ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising the Bledisloe North Berth are adequately managed.
- (c) Ensure the safe and efficient operation of marine and port activities at the Port of Auckland at all times.
- (d) Provide for a safe and secure environment at the Port of Auckland.
- (e) Ensure public access is provided between the cruise terminal building and Quay Street, ~~and that the footpath and cycleway along Quay Street remain unobstructed by the transport management measures.~~

47. For certification purposes, the TMP must, 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 details of the on-site pedestrian wait area and the 'meet and greet' area north of Quay Street, to ensure no conflict arises from the transport management measures with pedestrians and cyclists on the adjacent public footpath/cycleway.
- (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 public transport options and 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 and provision of visible wayfinding signage in proximity to the pedestrian gate.

48A. The effectiveness of the measures implemented in the TMP must be monitored by an SQEP for each of the first five berthings of cruise ships and a report submitted to the council detailing the findings and outlining recommendations on any additional measures (if required) that can be implemented to ensure the objectives of the TMP are achieved. Thereafter, additional monitoring of the effectiveness of the TMP must be undertaken at

the request of the Council, where Council has identified a specific concern regarding the effectiveness of the TMP, at a frequency of no less than once every 12 month period.

48. All earthworks must be undertaken in accordance with the Contaminated Soils Management Plan, prepared by Beca Limited and dated 19 September 2024 ('CSMP'). Any variations to the CSMP must be submitted to the ~~Team Leader Compliance Monitoring – Central~~ for certification that it appropriately manages actual and potential soil contamination effects and that the requirements of Conditions 49 - 53 are achieved.
49. 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 must be undertaken. Based on the findings of this soil sampling, the CSMP must be updated as necessary and submitted to the ~~Council Team Leader Compliance Monitoring – Central~~ for certification, in conjunction with the Contaminated Land Specialist.
50. During earthworks all necessary action must be taken to prevent dust generation and sufficient water must be available to dampen exposed soil and/or other dust suppressing measures must be available to avoid dust formation. The Consent Holder must 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).
51. In the event of accidental discovery of contamination during earthworks which has not been previously identified, the Consent Holder must immediately cease the works in the vicinity of the contamination hotspot and notify the ~~Council Team Leader Compliance Monitoring – Central~~. A suitably qualified and experienced contaminated land practitioner (SQEP) must be engaged to assess the situation (including possible sampling and testing) and decide on the best option for managing the material.
52. Excavated material that is not re-used on site must be disposed of at an appropriate facility licensed to accept the levels of any identified contamination.
53. Following the completion of the soil disturbance works, the site contractor or nominated SQEP must 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 must be submitted to ~~the Auckland~~ Council for certification.

#### **Industrial and Trade Activity consent – DIS60445270**

##### *Duration*

54. Permit [ref no. Industrial Trade Activity discharges] will 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.

##### *Stormwater management works*

55. The following stormwater management works must 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 Standard
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Bledisloe North Wharf	8,773m <sup>2</sup>	<ul style="list-style-type: none"> <li>75% TSS removal</li> </ul>
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(i)

56. In the event that any modifications to the stormwater management works are required, the following information must 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 Wharf; 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*

57. The Consent Holder must arrange and conduct a post construction site meeting within 30 working days of completion of installation of the stormwater management works specified in Condition 55 between Council ~~(Team Leader Compliance and Monitoring Central in consultation with Team Leader Stormwater, Natural Resources and Specialist Input)~~ and the Consent Holder's engineering advisor. As-Built Plans as specified in Condition 58 must be made available at this meeting.

#### *Certification of Construction Works*

"As-Built" plans for the stormwater management works specified in Condition 55 must 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.

58. The "As-Built" plans of the stormwater management works must 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*

59. Within 30 working days of completion of the installation of the stormwater management works the Consent Holder must 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 3 to 6.
60. The objective of the updated OMP is to set out how the stormwater management works will be operated and maintained to ensure that the design standard in Condition 55 is achieved.
61. For certification purposes, the OMP must, as a minimum, include:
- (a) A programme for regular maintenance and inspection of the stormwater;

management works authorised under Condition 55 of this Consent.

- (b) A programme for the collection and disposal of debris and sediment collected by the stormwater management works or practices.
- (c) A programme for post storm/post spill maintenance.
- (d) General inspection checklists for all aspects of the stormwater management works.
- (e) 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*

62. The stormwater management works must be inspected and managed by the Consent Holder in accordance with the OMP as required by Condition 60.

*Site Management*

63. Within 30 working days of completion of the installation of the stormwater management works the Consent Holder must prepare an updated Environmental Management Plan: Stormwater ("EMP:S") in accordance with Conditions 3 to 6.
64. The site must be operated and managed in accordance with the updated Environmental Management Plan: Stormwater ("EMP:S") to ensure the risks from the site are managed appropriately.
65. The updated EMP:S must include but not be limited to:
- (a) Identification of the specific activities conducted on site and the identification of potential contaminants associated with the activities conducted on the site.
  - (b) Methods used to manage environmental risks from site activities and ensure that contaminants identified avoid contacting stormwater runoff as far as practicable.
  - (c) An emergency spill response plan.
  - (d) An up-to-date and accurate site drainage plan showing the location of the final discharge point of the site stormwater management works.
  - (e) Identification of appropriate auditing requirements to ensure performance of all components of the updated EMP:S.
66. The EMP:S document must be kept on site and accessible at all times.
67. The EMP:S must 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 must 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 70.

*Advice Note:*

*The information required to be contained within the OMP and EMP:S forms an updated section of the sites existing EMP:S, not a stand-alone document.*

68. 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 must 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*

69. A report must be forwarded annually to the Council (~~Team Leader Compliance and Monitoring Central and Team Leader—Stormwater, Natural Resources and Specialist Input~~), each July following the completion of the works.

The report must include but not be limited to:

- (a) Detailing all aspects of the performance of the EMP:S relating to this consent, including results of any audits required by Condition 66(e).
- (b) All documentation associated with the updated EMP:S as required by Condition 64.
- (c) Details of all inspections and maintenance of the stormwater management works for the preceding 12 months.
- (d) Details of the person(s) or body responsible for maintenance of the site.
- (e) Records of any spills or incidents which occurred within the previous 12 months and the response which was undertaken.

#### *Review Condition*

70. 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 following the date of commencement of this consent.

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

- 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.
- 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.

Any review under this condition must give effect to the purpose of the Fast-track Approvals Act 2024.



## FERGUSSON NORTH BERTH

### General conditions applicable to all consents

71. Except as provided for in the conditions below, the activities authorised by this consent must be undertaken in general accordance with the information and plans submitted by the Consent Holder with the application, including:
- The document prepared by Bentley & Co. Ltd titled "Substantive Application for the Bledisloe North Wharf and Fergusson North Berth Extension" and dated March 2025.
  - The reports listed at **Attachment 1.3**.
  - The plans listed at **Attachment 2.4** (collectively referred to in these conditions as "the Project").

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

#### *Lapse*

72. In accordance with clause 26 of Schedule 5 to the Fast-track Approvals Act 2024, these consents lapse five years after the date of commencement.

#### *Management plans*

73. The following management plans required by a condition of this resource consent must be submitted to the Council (~~Team Leader Compliance Monitoring – Central~~) for certification. Unless stated otherwise within these conditions, the management plans must be submitted at least ten working days prior to commencement of the works to which they relate:
- A Construction Management Plan (refer to Conditions 14 to 16).
  - An Underwater Construction Noise Management Plan (refer to Conditions 25 to 26).
  - An Operation and Maintenance Plan (refer to Conditions 42 to 44).
  - An updated Environmental Management Plan: Stormwater (refer to Conditions 46 to 48).

The purpose of the certification process is to confirm that the management plan gives effect to the relevant condition(s) and will ensure compliance with any standards or limits or other requirements specified in those conditions.

74. All management plans required by Condition 3 must be prepared by a Suitably Qualified and Experienced Person(s) ("SQEP").
75. All management plans required by Condition 3 may be submitted in parts or stages to reflect staged implementation of the Project, or to address specific activities authorised by the relevant consent.
76. Any changes to the management plans required by Condition 3 must be submitted to the Council (~~Team Leader Compliance Monitoring – Central~~) for re-certification as soon as practicable and any changes may only be implemented once certification has been received.
77. Any works that are subject to a management plan required by Condition 3 must only commence once that management plan has been certified by the Council (~~Team Leader Compliance Monitoring – Central~~) and all measures identified in that plan as needing to be in place prior to the start of those works are in place.



78. The Consent Holder must comply with all certified management plans at all times.
79. A copy of the relevant certified management plans must be held on the project site at all times.

*Pre-construction meetings and notification*

80. No less than five working days prior to commencement of the works or stage of works authorised by these consents, the Consent Holder must arrange a pre-construction meeting with the 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 Waiohū, and Ngaati Te Ata Waiohū must also be invited to attend.
81. 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 is observed and kawa (customary practices and protocols) are being applied throughout the construction of the Project.
82. The following information must 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.

**Coastal permit – CST60445200**

*Duration*

83. These consents expire 35 years from the date of commencement unless they have lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

*Construction Management*

84. The Consent Holder must prepare a Construction Management Plan ("CMP") for the activities authorised by these consents in accordance with Conditions 3 to 6.
85. The objective of the CMP is to:
  - a. Ensure that the construction works remain within the limits and standards specified in these consents and set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects of 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 of construction activities.
86. For certification purposes, the CMP must, 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 and any other structures (if any) 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. Site clean-up and remediation following works completion.
    - vi. The roles and responsibilities and contact information to enable real-time communication with Port of Auckland Harbour Control as required to maintain navigational safety.
    - vii. The boundaries of the construction zones to prevent conflict between port operations and construction activity, both ashore and in the CMA.
    - viii. The procedures in place to respond to any emergency, whether created by construction activity or from external maritime activities.
    - ix. 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 Ngāti Whātua Ōrākei, Te Ākitai Waiohū, and Ngāati Te Ata Waiohū and Council.
87. During construction works, the Consent Holder must maintain a record of any complaints received about the construction works. The record must 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.
88. A copy of the complaints record required by Condition 17 must be made available to the Council ~~(Team Leader, Compliance Monitoring – Central)~~ on request.

#### *Navigation and safety*

89. Prior to the Commencement of activities authorised by these consents, the Consent Holder must:

- a. consult the Auckland Harbourmaster to identify and confirm 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) in order to ensure compliance with Maritime New Zealand guidelines, and the Auckland Port and Harbour Marine Safety Code; and
  - b. provide, at its cost, all aids to navigation confirmed by the Auckland Harbourmaster as being required; and
  - c. request, that the Auckland Harbourmaster issue any applicable Notice to Mariners in respect of the above.
90. The Consent Holder must ensure that lighting used for and during construction is designed, used and maintained in a manner that avoids visual interference with temporary or existing permanent navigational lights.
91. The Consent Holder must maintain at its cost, the aids to navigation referred to in Condition 19 for the duration of the Project to the satisfaction of the Auckland Harbourmaster.
92. The Consent Holder must ensure that real-time VHF communications are available at the work site to enable direct VHF communications with Port of Auckland Harbour Control on Channel 12. Channel 16 is to be monitored while any activity is being undertaken that may impact on, or could be impacted by, port marine activities.
93. The Consent Holder must notify the Auckland Harbourmaster in writing 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.
94. Within ten working days of completion of the Project or stage of the Project, the Consent Holder must provide the Auckland Harbourmaster, and the Land Information NZ (LINZ) Hydrographic Office, in writing, details of the 'As-Built' extent and elevation of the wharves, related structures and lights and request that the associated nautical chart and 'List of Lights' be updated accordingly.

*Underwater construction noise management*

95. The Consent Holder must ensure that underwater noise from construction activities minimises, to the extent practicable, adverse effects on marine mammals and kororā by:
- a. Selecting pile driving equipment and methodologies that minimise noise emissions to the extent practicable;
  - b. Where necessary, using bubble curtains or other systems to reduce noise propagating into and through the water column;
  - c. Validating underwater noise levels and mitigation, including the size of Temporary Threshold Shift ("TTS") zones;
  - d. Undertaking marine mammal and little penguin | kororā observations from a static land-based observation point(s) 30 minutes prior to commencing pile driving to identify their presence within the TTS; and

- e. Shutting down pile driving when a marine mammal is detected within or approaching the TTS zones and only recommencing pile driving once the marine mammal is no longer detected in the TTS zones.
- 96. The Consent Holder must prepare an Underwater Construction Noise Management Plan ("UCNMP") in accordance with Conditions 3 to 6 in general accordance with the draft UCNMP lodged with the application, in order to demonstrate how compliance with Condition 25 will be achieved and confirm the extent of the TTS zones.
- 97. Pile driving pursuant to these consents must not occur concurrently with pile driving undertaken pursuant to the consents authorising the new wharf at Bledisloe Terminal to ensure compliance with Condition 25.

*Captain Cook Wharf and Marsden Wharf Transfer*

- 98. Within 36 months of the commencement of construction works authorised by this consent, the Consent Holder must provide written evidence to the ~~Team Leader Compliance and Monitoring Central, Auckland~~ Council, confirming that an agreement has been entered into between Ports of Auckland Limited and Auckland Council for the transfer of Captain Cook Wharf and Marsden Wharf to Auckland Council.

*Coastal processes monitoring*

- 99. Within six months of completion of the Project, the Consent Holder must 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 must be undertaken before construction and then every two years following completion of construction for a period of six years.
  - b. Bathymetric surveys that must 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 must be submitted to the ~~Council Team Leader Compliance Monitoring – Central~~.

**Land use consent – LUC60445199**

*Construction traffic management*

- 100. During construction, the Consent Holder must 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 must 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 must immediately be removed.

*Advice note: The Port of Auckland comprises the land and CMA at 1-19 Quay Street, Auckland Central.*

#### *Contamination*

101. All earthworks must be undertaken in accordance with the Contaminated Soils Management Plan, prepared by Beca Limited and dated 19 September 2024 ('CSMP'). Any variations to the CSMP must be submitted to the ~~Council Team Leader~~ Compliance Monitoring – Central for certification, that it appropriately manages actual and potential soil contamination effects and that the requirements of Conditions 32 - 35 are achieved.
102. During earthworks all necessary action must be taken to prevent dust generation and sufficient water must be available to dampen exposed soil and/or other dust suppressing measures must be available to avoid dust formation. The Consent Holder must 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).
103. In the event of accidental discovery of contamination during earthworks which has not been previously identified, the Consent Holder must immediately cease the works in the vicinity of the contamination hotspot and notify the ~~Council Team Leader~~ Compliance Monitoring – Central. A SQEP must be engaged to assess the situation (including possible sampling and testing) and decide on the best option for managing the material.
104. Excavated material that is not re-used on site must be disposed of at an appropriate facility licensed to accept the levels of any identified contamination.
105. Following the completion of the soil disturbance works, the site contractor or nominated SQEP must 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 must be submitted to the Auckland Council for certification.

#### **Industrial and Trade Activity consent – DIS60445270**

##### *Duration*

106. Permit [ref no. Industrial Trade Activity discharges] will 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.

##### *Stormwater management works*

107. The following stormwater management works must 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 Standard
Fergusson North Berth	1,800m <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.*

108. In the event that any modifications to the stormwater management works are required, the following information must 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 Wharf; 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*

109. The Consent Holder must arrange and conduct a post construction site meeting within 30 working days of completion of installation of the stormwater management works specified in Condition 37 between ~~the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader — Stormwater, Natural Resources and Specialist Input)~~ and the Consent Holder's engineering advisor. As-Built Plans as specified in Condition 40 must be made available for this meeting.

#### *Certification of Construction Works*

110. "As-Built" plans for the stormwater management works specified in Condition 37 must 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.
111. The "As-Built" plans of the stormwater management works must 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*

112. Within 30 working days of completion of the installation of the stormwater management works the Consent Holder must 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 3 to 6.
113. The objective of the updated OMP is to set out how the stormwater management works will be operated and maintained to ensure that the design standard in Condition 37 is achieved.
114. For certification purposes, the OMP must, as a minimum include:
- a. A programme for regular maintenance and inspection of the stormwater management works authorised under Condition 37 of this Consent.
  - b. A programme for the collection and disposal of debris and sediment collected by the stormwater management works or practices.
  - c. A programme for post storm/post spill maintenance.

- d. General inspection checklists for all aspects of the stormwater management works.
- e. 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*

115. The stormwater management works must be inspected and managed by the Consent Holder in accordance with the OMP as required by Condition 42.

*Site Management*

116. Within 30 working days of completion of the installation of the stormwater management works the Consent Holder must prepare an updated Environmental Management Plan: Stormwater ("EMP:S") in accordance with Conditions 3 to 6.
117. The site must be operated and managed in accordance with the updated Environmental Management Plan: Stormwater ("EMP:S") to ensure the risks from the site are managed appropriately.
118. The updated EMP:S must include but not be limited to:
- a. Identification of the specific activities conducted on site and the identification of potential contaminants associated with the activities conducted on the site.
  - b. Methods used to manage environmental risks from site activities and ensure that contaminants identified avoid contacting stormwater runoff as far as practicable.
  - c. An emergency spill response plan.
  - d. An up-to-date and accurate site drainage plan showing the location of the final discharge point of the site stormwater management works.
  - e. Identification of appropriate auditing requirements to ensure performance of all components of the updated EMP:S.
119. The EMP:S document must be kept on site and accessible at all times.
120. The EMP:S must 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 must be submitted to the 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 52.

*Advice Note:*

*The information required to be contained within the OMP and EMP:S forms an updated section of the sites existing EMP:S, not a stand-alone document.*

121. 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 must 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*

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