

Attachment 18

APPENDIX A

CONSENTS HOLDER: Ports of Auckland Limited

PURPOSE OF COASTAL PERMITS:

To carry out the following works and activities, to the extent that they are not restricted coastal activities, on the terms and conditions set out below:

- (a) Construct and use a 320m long wharf structure at the northern end of a proposed reclamation of approximately 9.4 ha, to be carried out to the north and east of the existing Fergusson Container Terminal in the Port of Auckland.
- (b) Demolish the existing turning dolphin and construct and use a new mooring dolphin with a connecting link.
- (c) Occupy for the duration of the construction, that part of the coastal marine area to be reclaimed and dredged, where that area is outside the area for which the consent holder already holds an occupation consent pursuant to section 384A of the Resource Management Act 1991.
- (d) Occupy for a period of 35 years, commencing from completion of construction, of that part of the coastal marine area in which the new wharf structure, mooring dolphin and connecting link, new northern berth and vessel maneuvering area are all located, and a 10m strip along the eastern side of the new reclamation, being an area in total of approximately 4.25 ha.
- (e) Discharge seawater and stormwater containing some fine silts from the new reclamation during construction, by diffuse discharge through the bund walls.
- (f) Discharge stormwater from the extended terminal after completion of construction, including an extension to existing Outfalls D and E and increasing their volume by up to 200 litres per second and 1,000 litres per second respectively; the combination of existing Outfalls F and G to a single Outfall H with its volume increased by up to 1,200 litres per second; and the construction and use of a new Outfall I with a volume of up to 900 litres per second.
- (g) Construct two container cranes for use on the new wharf structure, together with use of existing container cranes.
- (h) Use the new berthage for loading and unloading of vessels and cargo, storage of cargo, servicing of vessels and equipment, and providing and bunkering of vessels.
- (i) Construct and use utilities and services on or under the new wharf structure and mooring dolphin and link.

LOCATION: Ferguson Container Terminal and vicinity, Port of Auckland, Waitemata Harbour.

TERRITORIAL AUTHORITY: Auckland City Council.

CONDITIONS OF CONSENTS

A. STANDARD CONDITIONS OF CONSENTS:

1. That the servants or agents of the Auckland Regional Council shall be permitted access to the relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
2. That the Auckland Regional Council may at any time on the giving of not less than 3 months notice in writing, serve notice on the consent holder of its intention to review, under section 128 of the Resource Management Act, any of the conditions of these consents for any of the following purposes:
 - (i) To deal with any adverse effect on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage; or
 - (ii) To require the holder of a discharge permit or coastal permit to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
 - (iii) To deal with any adverse effect on the environment which may arise from the exercise of the consents which was not foreseen at the time the application was considered and which it is appropriate to deal with at the time of review.
3. The resource consent holder shall pay to the Auckland Regional Council any administrative charge fixed in accordance with s.36(1) of the Resource Management Act 1991, or any additional charge required pursuant to s.36(3) of the Resource Management Act 1991, payable in respect of these resource consents.
4. The applicant may, pursuant to Section 127(1)(b) of the Act, apply to the Group Manager to change or cancel any of the conditions of these resource consents (except those conditions which relate to the duration of the consents).

B. SPECIAL CONDITIONS OF CONSENTS (GENERAL):

5. Pursuant to Section 125(1) of the Act, these consents shall not expire for a period of eight (8) years from the date of commencement of the consents. The resource consents will however lapse if the consents are given full effect to before the end of that period.
6. The work and other activities shall be undertaken generally in accordance with:
 - (a) the Beca Carter Hollings & Ferner Ltd and Ports of Auckland Limited plans as identified below:

- (i) "General Arrangement, Drawing No 1" (Option B2), Cad File Name 0026C001, dated 21.10.97.

- (ii) "Earthworks and Wharf Sections, Drawing No 2", Cad File Name 0026C002, dated 21.10.97.
- (iii) "Dredging Areas, Drawing No 3", Cad File Name 0026C003, dated 21.10.97.
- (iv) "Stormwater Drainage Concept and Details, Drawing No 6", Cad File Name 0026C006, dated 21.10.97.
- (v) "Walkway Layout, Drawing No 7", Cad File Name 0026C007, dated 21.10.97.
- (vi) "Additional Area to be Occupied within the Coastal Marine Area for Option B2, Figure 8", Cad File Name 0026C030, dated 21.10.97.

(b) The Boffa Miskell plans as identified below:

- (i) "Esplanade Reserve Public Access and Planting Plan", Drawing No 95074-01, Revision 1.
- (ii) "Cross Section/Elevation of Boardwalk and Tree Pit", Drawing No 95074-02.
- (iii) "Detail of Expanded Area at Mid Point of Boardwalk", Drawing No 95074-03.

7. That the consent holder shall notify the Group Manager in writing at least ten working days prior to the commencement of any works, of the proposed commencement date of the work.
8. The consent holder shall at all times be responsible for the work undertaken and ensure that it complies with these consent conditions.
9. Construction work shall be as defined in clause 1.3.1 of NZS 6803P: 1984.
10. Construction noise shall not exceed the following levels when measured in accordance with clauses 3.2.1 or 3.2.2 of NZS 6803P: 1984:
 - (i) when measured on any residentially zoned property (excluding areas north of The Stand).

	L ₁₀	L ₉₅	L _{max}
Monday to Saturday 7am to 8pm	75	60	90
At all other times (night time)	50	45	75

- (ii) when measured on any other site to the south of Quay Street or Tamaki Drive

	L ₁₀	L ₉₅	L _{max}
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Monday to Saturday 7am to 8pm	80	65	90
At all other times (night time)	60	55	75

The noise shall be measured in accordance with clause 3.2.1 of NZS 6803P: 1984 unless measurement cannot be made outside affected buildings. In cases where noise cannot be measured outside, measurements shall be taken inside the building either in affected habitable space (as defined by the NZ Building Code) or work areas. Levels measured within the building shall be 10dBA or more below those in the above tables.

The Group Manager may allow these standards to be exceeded for emergency works.

When undertaking pile driving in the coastal marine area, the limit of particle velocity (peak particle velocity) measured on any foundation or uppermost full story of any building not on Ports of Auckland Limited land, related to the frequency of ground vibration, shall not exceed the limits of Table I of German Standard DIN 4150 Part 3: 1986 "Structural Vibration in Buildings- Effects on Structures".

Peak particle velocity means the maximum particle velocity in any of three mutually perpendicular directions. The units are millimetres per second (mm/s).

If requested by the Auckland Regional Council the consent holder shall engage a suitably qualified acoustic engineer to monitor noise levels at the nearest residential zoned property (excluding areas north of The Strand). If the noise levels exceed those specified in this condition the applicant shall cease work on that particular activity until either compliance is attained, or approval of the Group Manager is obtained.

11. At least one month prior to the commencement of work the consent holder shall provide the following information to and obtain the approval of the Group Manager;
 - (a) a detailed construction timetable that identifies the significant events, their sequence and duration,
 - (b) Details of the proposed method and management of the works,
12. Within ten days of the completion of all works, the consent holder shall notify the Group Manager in writing of the date of completion.
13. All debris and surplus construction materials shall be removed from the coastal marine area and all damage to that area shall be reinstated to the satisfaction of the Group Manager.
14. The consent holder shall maintain the works in good sound condition and shall not modify, alter or extend these without having obtained all necessary approvals.

5. Within one month of the completion of the works, the consent holder shall provide to the Auckland Regional Council a complete set of "As-Built" plans.

C. SPECIAL CONDITIONS OF CONSENTS (TANGATA WHENUA)

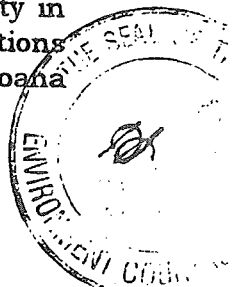
16. The consent holder shall provide to the iwi organisations listed below the following information. The information shall be forwarded no less than one month prior to any construction or works commencing;
- a schedule of the dates of all significant events, their sequence and duration;
 - a summary of all measures being taken to ensure that adverse effects on the environment are avoided, remedied or mitigated;
 - a summary of measures being taken by Ports of Auckland Limited to ensure that terrestrial pests are not being introduced by way of containers handled by the Fergusson Container Terminal; and
 - any measures being taken by Ports of Auckland Limited or the operators using the Fergusson Container Terminal, to reduce the risk of marine organisms entering New Zealand waters.
17. The consent holder shall provide to the listed iwi organisations, a copy of all monitoring and investigation results which are required by special conditions of the consents, and, an invitation to respond, comment or meet to discuss any results (see NB2 below).
18. The consent holder shall consult with the listed iwi organisations to determine, in accordance with tikanga Maori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement, significant events or commissioning of the completed terminal works.

NB 1: The iwi organisations who shall be consulted in relation to the above conditions are:

Te Hao o Ngati Whatua
 Ngati Whatua o Orakei
 Ngaati Te Ata
 Ngai Tai Ki Tamaki Tribal Trust
 Hauraki Maori Trust Board

NB2: The consent holder shall notify the Group Manager of all information provided to the listed iwi groups and any responses received. If appropriate, and with the agreement of the consent holder and the iwi groups, the ARC shall convene meetings/hui should any of the information or issues require further discussion.

NB3: The ARC shall ensure that all the listed iwi groups are provided with monitoring information relating to air, water and sediment quality in the central city area, and shall also advise iwi of any applications referred to it in relation to the disposal of sediment in Tikapa Moana within or beyond the coastal marine area



C. SPECIAL CONDITIONS OF CONSENTS (STORMWATER):

19. That the works shall be in general accordance with the information provided in the Assessment of Environmental Effects, dated May 1996, prepared by Ports of Auckland Ltd, and supplied with the application, except as modified by other terms and conditions of these consents.
20. That the final location, design, and maintenance regime of all catchpits and stormwater treatment devices shall be approved by the Group Manager prior to construction.
21. That the consent holder prepare a stormwater management plan for the entire Ferguson Container Terminal site outlining the site practices, and maintenance procedures to be employed to minimise the potential contamination of stormwater discharges from the site for the approval of the Group Manager prior to construction. The plan shall not apply to those stormwater outfalls which are not modified or affected by this proposal.

The management plan should address amongst other things:

- the terminal surface cleaning and maintenance procedures (including frequency) including the disposal procedures for all materials removed;
 - the catchpit cleaning and maintenance procedures (including frequency) including the disposal procedures for all materials removed;
 - spill contingency procedures for both hazardous substances and petroleum spillages;
 - the proposed stormwater grate identification system; and
 - any proposed educational programmes for staff and terminal users including the proposed frequency of the programmes and refresher courses.
22. That a complete set of "as built" plans shall be submitted to the Group Manager within one month of completion of the stormwater system.
 23. The consent holder shall not commit or allow contaminant or material associated with the consent holder's activity to be released otherwise than in conformity with the consent. In the event of any unforeseen release, the consent holder shall:
 - (i) take immediate steps to ensure mitigation of any adverse effects on the environment.
 - (ii) proceed with all diligence to take all reasonable steps to remedy the effects of any unforeseen releases.
 - (iii) notify the Group Manager of the release of any contaminant or material within 12 hours of the first detection.

- (iv) within 24 hours, if so required in writing by the Group Manager provide a written report detailing the nature, manner and cause of the release and steps taken (and being taken if appropriate) to remedy and control the release, and to prevent any further release of such contaminant or material.
- 24. That the consent holder shall ensure that any structures are maintained in a good and sound condition, and shall make any repairs that are necessary, to the satisfaction of the Group Manager.
- 25. That the consent holder shall not modify, alter or extend the structures or any of the works without obtaining all or any necessary resource consents.

D. SPECIAL CONDITIONS OF CONSENTS (SEDIMENT AND WATER QUALITY)

D1. TENDER DOCUMENTS

- 26. Prior to the calling of tenders for the proposed Fergusson Terminal extension, Tender Documents shall be submitted to the Group Manager for approval.
- 27. The tender documents shall contain detailed design plans and specifications for the proposed works which shall be in compliance with the special conditions on this consent and, amongst other things, shall address matters relating to the operation, management and maintenance of the works, environmental protection measures to be employed and any other relevant details relating to this consent that may be required by the Group Manager at that time.
- 28. Amongst other matters, and where this information is not required by the tender document to be supplied by the successful contractor, the detailed plans and specifications included in the Tender Documents shall contain the following:
 - (i) Details of the equipment and methods to be used for under-bund dredging and for dredging of the new northern berth, for transport and transfer of dredged material, and details of any temporary holding areas for dredged material including storage capacity, design plans and assessment of the effectiveness of any sediment retention systems to be employed, along with identification of any related processes with a high potential for sediment and associated contaminant discharge and the methods to be employed to minimise these discharges,
 - (ii) Details of the equipment and methods to be employed to mix cement and dredged material to form mudcrete and to place this material within the reclamation, along with identification of any related processes with a high potential for sediment and related contaminant discharge, the methods to be employed to minimise these discharges and an assessment of the expected effectiveness of these methods,
 - (iii) Details of the design and construction methods proposed for the reclamation bund walls including design of any sediment retention systems, along with identification of any related processes with a high potential for sediment and related contaminant discharge, the

methods to be employed to minimise these discharges and an assessment of the effectiveness of these methods,

- (iv) Details of the equipment, and methods of construction proposed for filling of the reclamation with material other than mudcrete, details of the quantities, sources and physical (textural and geological) and chemical (bulk chemistry and leaching potential) characteristics of the general fill materials along with identification of any related processes with a high potential for sediment and related contaminant discharge, such as contamination of the general fill material, displacement of existing seabed sediments and seawater within the reclamation, the methods to be employed to minimise these discharges and an assessment of the effectiveness of these methods,
- (v) Details of the proposed equipment and methods of construction proposed for the construction of the new piled wharf structure, along with identification of any related processes with a high potential for sediment and related contaminant discharge, such as discharges during pile drilling and general concreting operations, the methods to be employed to minimise these discharges and an assessment of the effectiveness of these methods,
- (vi) Details of monitoring procedures proposed to provide initial verification that estimates of potential adverse effects associated with the construction works provided in support of the application for this consent were accurate, monitoring procedures proposed to provide ongoing verification that the construction works continue to only have acceptable environmental effects, along with procedures to ensure that appropriate remedial action is taken in the event that any significant adverse effects are detected.

D2. PROJECT QUALITY PLANS

- 29. Prior to the commencement of any works, a Project Quality Plan (or plans) shall be submitted to the Group Manager for approval.
- 30. The Project Quality Plan shall contain the details of how the successful contractors intend to carry out the relevant operation, management and maintenance requirements for the works specified in the approved Tender Documents and shall also contain any relevant details of equipment, methods of construction, and methods intended to minimise potential adverse effects where such proposed final details have been left up to the successful contractor by the Tender Document.
- 31. Amongst other matters, and where relevant measures and requirements are not specified in the approved Tender Document, the Project Quality Plan shall include the following;
 - (i) The name, qualifications and relevant experience of an appropriately qualified and experienced quality systems manager, who shall be responsible for overseeing compliance with the Project Quality Plan.
 - (ii) Names and methods for contact of principal staff members employed by successful contractors, along with details of their defined roles and

responsibilities particularly in relation to ensuring that the Project Quality Plan is adhered to throughout the development project.

- (iii) Proposed detailed construction plans, methods and equipment to be used,
- (iv) Proposed measures designed to minimise the potential for adverse effects of the construction works upon the surrounding harbour environment,
- (v) Proposed programmes to monitor potential adverse effects of the construction works upon the surrounding harbour environment,
- (vi) Definition of a process which will provide the Group Manager with a monthly update or report on the results of monitoring of compliance with the Project Quality Plan and with Special Conditions of this Consent.

In the event that non-compliance with the Project Quality plan is identified then consultation between the following parties or their agents; (Ports of Auckland Ltd, the company supervising the development operation, relevant contractors, ARC), shall be undertaken with a view to producing as soon as practicable a remedial works programme, including additional monitoring, which addresses the issues of non-compliance with the Project Quality Plan or other conditions of this consent. The Group Manager shall approve the proposed remedial works programme, prior to these works commencing.

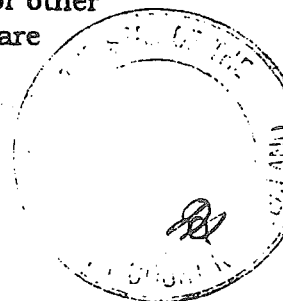
D3. MONITORING OF DISCHARGES DURING CONSTRUCTION

32. That prior to the proposed works commencing the consent holder or its agents nominated in the Tender Document or Project Quality Plan shall, in consultation with ARC technical staff, finalise an environmental monitoring programme that gains the written approval of the Group Manager.

Amongst other matters and where relevant to the various components of work proposed, the environmental monitoring programme shall address the following;

- (i) As soon as practical after the start of each major component of the proposed works, the carrying out of "intensive monitoring" to verify that estimates, given in information provided in support of the application for this consent, of the magnitude of relevant potential adverse effects were accurate, particularly for discharge of suspended solids, pH, and soluble and sediment-bound contaminants. Major components of the works include; under-bund dredging, dredging the new berth, construction of the reclamation bund walls, construction of the wharf piles, placement of dredgings in temporary storage areas, mixing of mudcrete and its placement within the reclamation, filling of the reclamation with other general fill material. 'Intensive monitoring' of all major components of the works will be required unless the consent holder can demonstrate to the Group Manager's satisfaction that it is unreasonable or unnecessary to require such monitoring of specific areas of proposed works.

- (ii) A programme for ongoing "regular monitoring" of potential adverse effects of the construction works to provide verification that the discharge of suspended sediment, alkalinity (pH) and soluble and sediment-bound contaminants from the works remains within acceptable levels. "Regular monitoring" of the discharge of suspended sediment and pH shall be carried out on at least a fortnightly basis and of soluble and sediment-bound contaminants on a monthly basis unless the consent holder can demonstrate to the Group Managers satisfaction that it is unreasonable to require monitoring of specific areas of potential adverse effect this frequently.
- (iii) Identification of suitable numbers of sample sites and their locations for compliance monitoring "control" sites for ebb and flood tides, of compliance monitoring "test" sites at the 200m and 50m mixing zone boundaries, and of sufficient additional monitoring test sites to provide information on dilution gradients within the mixing zone.
- (iv) For "regular monitoring" of potential effects of sediment discharges from the dredging works each monitoring sample shall be a composite of a surface (approximately 1m below surface) and a depth (approximately 1m in above the seabed) sample. Samples shall be collected on a day that the dredger is operating and, where relevant, shall be representative of the plume generated by the dredging operation (ie. not collected before the plume has had a chance to develop upon the start of dredging activities and not after the plume has had a chance to dissipate upon the completion of dredging activities), and shall be collected as close as practicable to the time of maximum tidal movement (mid ebb and flood tide).
- (v) For "intensive" or "regular" monitoring of potential effects other than the discharge of sediment from dredging operations samples shall also be composites of surface and depth samples as defined in (iv) above.
- (vi) Notes shall be made for each sampling run recording sampling date, general observations, weather/sea conditions, sampling location, depth and time, high tide and low tide times, and where relevant the time that works, such as dredging, commenced and were completed on the sampling day.
- (vii) Samples shall be analysed for suspended solid levels, pH, and concentrations of key (or indicator) contaminants (measured as total extractable contaminant concentrations) as appropriate for the relevant monitoring programmes. Detection limits shall be sufficient to determine compliance with the acceptable levels defined in special conditions 33-36 below. Samples shall be collected and analysed in accordance with APHA Standard Methods (I 8th edition) or equivalent as approved in writing by the Group Manager. Analytical results for pH and suspended solids shall be copied to the Group Manager within three working days of sample collection. Analytical results for other contaminants shall be copied to the Group Manager as they are received by the consent holder.



- (b) Pursuant to section 116(1) occupation for a period of 35 years commencing from completion of construction, of that part of the coastal marine area in which the new wharf structure, mooring dolphins and connecting link, near northern berth and vessel manoeuvring area are all located, and a 10m strip along the eastern side of the new reclamation, being an area of approximately 4.25ha.

REVIEW CONDITION

41. That the conditions of these consents (including any specified quantity) may be reviewed (in accordance with Section 128 of the Resource Management Act 1991) by the Group Manager on the second annual anniversary of the commencement of these consents and subsequently at not less than yearly intervals until construction is completed. Thereafter, the conditions may be reviewed at three yearly intervals in order:
- (i) to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of these consents, and in particular effects on the water quality biota, and the community of the Waitemata Harbour from the discharge of contaminants into the harbour;
 - (ii) to alter the monitoring requirements in light of the results obtained from any monitoring or investigations;
 - (iii) to implement the rules of any relevant regional plan which is proposed or becomes operative after the date of commencement of these consents; and
 - (iv) to consider the development and integration of new technology and/or management practices that would enable practicable reductions in the discharge of contaminants and improved environmental outcomes.

DEFINITIONS:

- (i) "Group Manager" means the Group Manager, Environmental Management, Auckland Regional Council or his or her nominated representatives.
- (ii) "Consent Holder" means the Ports of Auckland Limited or its nominated representatives.