

## Te Ara Hauāuru Northwest Rapid Transit – Proposed Resource Consent Conditions

**This document depicts Auckland Council's proposed amendments to NZTA's consent conditions (as lodged) as at 8 July 2026, following the completion of facilitated discussions. NB: Attached plans omitted.**

### All Resource Consents

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

#### Exceptions

These consents do not authorise any breach of:

- AUP Rule E3.4.1 (A19) Diversion of a river or stream to a new course and associated disturbance and sediment discharge (within an overlay or outside of an overlay)
- Regulation 45 of the NES-FW – for activities within or near wetlands

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

Commented [A1]: Agreed with NZTA.

### Definitions

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

#### Acronyms and defined terms

| Acronym/term    | Definition/meaning                                                                                                          |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------|
| AEP             | Annual Exceedance Probability                                                                                               |
| AUP             | Auckland Unitary Plan                                                                                                       |
| CCMP            | Coastal Construction Management Plan                                                                                        |
| Coastal margin  | Within 20m of mean high water springs                                                                                       |
| Consent Holder  | NZ Transport Agency                                                                                                         |
| Council         | Auckland Council                                                                                                            |
| CMA             | Coastal Marine Area                                                                                                         |
| Designation     | The designation(s) for the Project, included in the Auckland Unitary Plan                                                   |
| ESC             | Erosion and Sediment Control                                                                                                |
| Manager         | The Manager – Resource Consents of Council, or authorised delegate                                                          |
| NES-CS          | National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health                     |
| NES-FW          | National Environmental Standards for Freshwater Management                                                                  |
| Project         | Te Ara Hauāuru Northwest Rapid Transit                                                                                      |
| Riparian margin | Within 20m of the centreline of a permanent or intermittent watercourse                                                     |
| RMA             | Resource Management Act 1991                                                                                                |
| SEA             | Significant Ecological Area                                                                                                 |
| Site            | The area defined by the boundary of the Designation(s) and extent of coastal permits as shown in Schedule A for the Project |
| SQP             | Suitably Qualified Person                                                                                                   |

## Te Ara Hauāuru Northwest Rapid Transit



|                                                |                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SQEP                                           | <del>Suitably Qualified and Experienced Practitioner for the purpose of the assessment of contaminated land</del> <u>A suitably qualified and experienced person, being a person who can provide sufficient evidence to demonstrate their suitability and competence. In relation to contaminated land matters, it means a suitably qualified and experienced practitioner.</u> |
| <del>Threatened or At-Risk wetland birds</del> | <del>According to the New Zealand Threat Classification System</del>                                                                                                                                                                                                                                                                                                            |
| Watercourse(s)                                 | A river or stream, excluding overland flow paths, as defined in the AUP                                                                                                                                                                                                                                                                                                         |

**Commented [A2]:** Agreed with NZTA. First part of definition accords with definition in Chapter J1 of AUP.

**Commented [A3]:** Agreed with NZTA.

## Conditions

### Proposed conditions

| Reference                    | Number                                                                                                                                                                                                                                                                                                                                                     | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
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| GENERAL CONDITIONS           |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| ALL                          | 1.                                                                                                                                                                                                                                                                                                                                                         | <p><b>Table 1 Resource Consent lapse and expiry</b></p> <p>(a) The consents <del>shall</del> lapse as set out below from the date of commencement, unless they have been given effect, surrendered or been cancelled at an earlier date.</p> <p>(b) The <del>consents</del> <del>shall</del> expire as set out below from the date of commencement.</p> <table><tr><th>Reference</th><th>Resource consents - Resource Management Act 1991</th><th>Proposed lapse date</th><th>Proposed Expiry date</th></tr><tr><td colspan="4">Land disturbance activities</td></tr><tr><td>LUCXXX</td><td>Land use (s.9) (1)) – Disturbance of potentially contaminated material (NES:CS)</td><td>25 years</td><td>Unlimited duration</td></tr><tr><td>LUCXXX</td><td>Land use (s.9(2)) – earthworks, vegetation alteration and removal</td><td>25 years</td><td>Unlimited duration</td></tr><tr><td colspan="4">Coastal Consents and Permits</td></tr><tr><td>CSTXXXX</td><td>Coastal marine area (s.12) – including construction and use of structures (including temporary occupation for construction) in the coastal marine area, occupation of the seabed and ancillary activities at Wai-o-Pareira / Henderson Creek and Huruhuru Creek such as disturbance of substrate and alteration or removal of mangroves.</td><td>25 years</td><td>35 years from the date of commencement</td></tr><tr><td colspan="4">Works in watercourses</td></tr><tr><td>LUSXXXX</td><td>Land use (s.13) – including new or upgraded structures in, on, under or over the bed of rivers, streams (including intermittent streams), works in watercourses, structures, stormwater infrastructure, erosion protection and temporary diversions. Placement, use, alteration or reconstruction of a culvert in, on, or over the bed of a river (NES:FW)</td><td>25 years</td><td>35 years from date of commencement</td></tr><tr><td colspan="4">Diversion of Water</td></tr><tr><td>WATXXX</td><td>Water permit (s.14) – Diversion of groundwater and dewatering during construction, diversion of stormwater associated with new permanent impervious structures</td><td>25 years</td><td>35 years from the date of commencement</td></tr></table> | Reference                              | Resource consents - Resource Management Act 1991 | Proposed lapse date | Proposed Expiry date | Land disturbance activities |  |  |  | LUCXXX | Land use (s.9) (1)) – Disturbance of potentially contaminated material (NES:CS) | 25 years | Unlimited duration | LUCXXX | Land use (s.9(2)) – earthworks, vegetation alteration and removal | 25 years | Unlimited duration | Coastal Consents and Permits |  |  |  | CSTXXXX | Coastal marine area (s.12) – including construction and use of structures (including temporary occupation for construction) in the coastal marine area, occupation of the seabed and ancillary activities at Wai-o-Pareira / Henderson Creek and Huruhuru Creek such as disturbance of substrate and alteration or removal of mangroves. | 25 years | 35 years from the date of commencement | Works in watercourses |  |  |  | LUSXXXX | Land use (s.13) – including new or upgraded structures in, on, under or over the bed of rivers, streams (including intermittent streams), works in watercourses, structures, stormwater infrastructure, erosion protection and temporary diversions. Placement, use, alteration or reconstruction of a culvert in, on, or over the bed of a river (NES:FW) | 25 years | 35 years from date of commencement | Diversion of Water |  |  |  | WATXXX | Water permit (s.14) – Diversion of groundwater and dewatering during construction, diversion of stormwater associated with new permanent impervious structures | 25 years | 35 years from the date of commencement |
| Reference                    | Resource consents - Resource Management Act 1991                                                                                                                                                                                                                                                                                                           | Proposed lapse date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Proposed Expiry date                   |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| Land disturbance activities  |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| LUCXXX                       | Land use (s.9) (1)) – Disturbance of potentially contaminated material (NES:CS)                                                                                                                                                                                                                                                                            | 25 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Unlimited duration                     |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| LUCXXX                       | Land use (s.9(2)) – earthworks, vegetation alteration and removal                                                                                                                                                                                                                                                                                          | 25 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Unlimited duration                     |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| Coastal Consents and Permits |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| CSTXXXX                      | Coastal marine area (s.12) – including construction and use of structures (including temporary occupation for construction) in the coastal marine area, occupation of the seabed and ancillary activities at Wai-o-Pareira / Henderson Creek and Huruhuru Creek such as disturbance of substrate and alteration or removal of mangroves.                   | 25 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 35 years from the date of commencement |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| Works in watercourses        |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| LUSXXXX                      | Land use (s.13) – including new or upgraded structures in, on, under or over the bed of rivers, streams (including intermittent streams), works in watercourses, structures, stormwater infrastructure, erosion protection and temporary diversions. Placement, use, alteration or reconstruction of a culvert in, on, or over the bed of a river (NES:FW) | 25 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 35 years from date of commencement     |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| Diversion of Water           |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| WATXXX                       | Water permit (s.14) – Diversion of groundwater and dewatering during construction, diversion of stormwater associated with new permanent impervious structures                                                                                                                                                                                             | 25 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 35 years from the date of commencement |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| MANAGEMENT PLANS             |                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |
| ALL                          | 2.                                                                                                                                                                                                                                                                                                                                                         | <p>(a) <del>Any m</del>Management plan <del>or other plan listed in (b)(i)-(vi) below must shall:</del></p> <p>(i) be prepared <del>and implemented</del> in accordance with the relevant management plan condition;</p> <p>(ii) be prepared by a <del>Suitably Qualified Person SQEP</del>(s);</p> <p>(iii) include sufficient detail relating to the management of effects associated with the relevant activities and/or stage of work to which it relates;</p> <p>(b) The Consent Holder may prepare management plans in parts or in stages to address specific activities or to reflect the staged implementation of the Project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                  |                     |                      |                             |  |  |  |        |                                                                                 |          |                    |        |                                                                   |          |                    |                              |  |  |  |         |                                                                                                                                                                                                                                                                                                                                          |          |                                        |                       |  |  |  |         |                                                                                                                                                                                                                                                                                                                                                            |          |                                    |                    |  |  |  |        |                                                                                                                                                                |          |                                        |

**Commented [A4]:** In relation to the 'no condition 1' approach, Council planners' view is that provided the outstanding issues with the detailed resource consent conditions can be resolved, such an approach is potentially acceptable.

**Commented [A5]:** Note: Discharge permits to be included.

**Commented [A6]:** Council proposes several changes to ensure the efficient administration of the consent. These changes aren't agreed by NZTA.

| Reference | Number | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|           |        | <p>(c) In preparing the <del>m</del>Management <del>p</del>Plans listed in Condition 3(b) the Consent Holder shall consult with:</p> <ul style="list-style-type: none"> <li>(i) Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River/ SH16 causeway;</li> <li>(ii) Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate;</li> <li>(iii) Ngāti Whātua Ōrākei, Te Ākitai Waiohūa and Ngaati Te Ata for works east from Te Whau / SH16 causeway to Ian McKinnon Drive.</li> </ul> <p>(d) <u>The management plans or other plans must be implemented as certified.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| ALL       | 3.     | <p><b>Certification</b></p> <p>(a) The management plans or other plans listed in (b) <del>(i)-(iii)</del> below <u>must shall</u> be submitted to the <del>Manager</del> <u>Council</u> at least twenty (20) working days prior to the anticipated start of construction to be certified. The certification <u>must shall</u> confirm that the management plan has been prepared in accordance with the condition(s) to which it relates.</p> <p>(b) The following plans <u>must shall</u> be submitted for certification:</p> <ul style="list-style-type: none"> <li>(i) <u>Site-Specific</u> Erosion and Sediment Control Plan(s)</li> <li>(ii) Contaminated Soils Management Plan(s)</li> <li>(iii) Remedial Action Plan(s)</li> <li>(iv) Coastal Construction Management Plan</li> <li>(v) <u>Native Fish Capture and Relocation Plan</u></li> <li>(vi) <u>Arboricultural report</u></li> </ul> <p>(c) Any certified management plan may be updated or revised to reflect any changes in design, construction methods or management of effects <u>provided that</u>:</p> <ul style="list-style-type: none"> <li>(i) <u>Where m</u>Management plans <u>are may be</u> amended to reflect minor changes in design, construction methods or management of effects, <u>Re-certification may is not be</u> required. <u>Any proposed minor amendments are to be discussed with and submitted to the Council for confirmation in writing prior to implementation of the change, unless the Council determines in its discretion that those amendments once implemented would result in a materially different outcome to that described in the original plan, in which case (c)(ii) below applies.</u></li> <li>(ii) If there is a material change proposed to a management plan that has been submitted to Council for certification then the Consent Holder <u>is required to must</u> update <u>a the</u> management plan by submitting the amendment in writing to Council for certification. <u>The certification process will follow the same procedures as outlined above.</u></li> <li>(iii) <u>Should the Council refuse to certify a management plan, or part of a management plan, the consent holder must submit a revised management plan for certification as soon as practicable. The certification process will follow the same procedures as outlined above.</u></li> </ul> |

**Commented [A7]:** Council proposes several changes to ensure the efficient administration of the consent, as outlined below. These changes aren't agreed by NZTA.

## Te Ara Hauāuru Northwest Rapid Transit



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| <u>ALL</u> | <u>3A.</u> | <p><u>Pre-start meetings</u></p> <p><u>Prior to the commencement of construction for each stage of work, the Consent Holder must hold a pre-start meeting that:</u></p> <ul style="list-style-type: none"> <li><u>is located on the Site;</u></li> <li><u>is scheduled not less than five (5) working days before the anticipated commencement of earthworks;</u></li> <li><u>includes representation from Council's environmental monitoring team;</u></li> <li><u>includes a copy of the conditions and the management plans certified in condition 3 applicable to that area; and,</u></li> <li><u>includes representation from the contractor who will undertake the works.</u></li> </ul> <p><u>The meeting must discuss the conditions and ESC measures and ensure all relevant persons are aware of and familiar with the conditions of this consent.</u></p> |
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**Commented [A8]:** NZTA and Council agree to add a condition addressing pre-start meetings, but have not agreed the wording of this condition.

| CONSTRUCTION CONDITIONS |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                         | 4. | <p><i>Cultural Monitoring Plan (Augier condition)</i></p> <p>(a) Prior to the start of construction, a Cultural Monitoring Plan (CMP) for each stage of work shall be prepared by a Suitably Qualified Person(s) identified in collaboration with:</p> <ul style="list-style-type: none"> <li>(i) Te Kawerau ā Maki for works between Brigham Creek Station and west of Te Whau River and SH16 Causeway;</li> <li>(ii) Ngāti Whātua o Kaipara for works between Brigham Creek Station and Westgate;</li> <li>(iii) Ngāti Whātua Ōrākei, Te Ākitai Waiohū and Ngaati Te Ata for works east from Te Whau /SH16 causeway to Ian McKinnon Drive.</li> </ul> <p>(b) The objective of the CMP is to specify cultural monitoring methods and activities to be undertaken during construction works.</p> <p>(c) To achieve the objective, the CMP shall specify:</p> <ul style="list-style-type: none"> <li>(i) requirements and protocols for cultural inductions for contractors and subcontractors;</li> <li>(ii) activities, sites and areas where cultural monitoring is required during particular construction works, and what that cultural monitoring will comprise; and</li> <li>(iii) the number of personnel who will undertake cultural monitoring, together with any geographic areas in which they will undertake it.</li> </ul> <p>(d) The CMP does not need to be submitted to Council for certification.</p> |

| Reference | Number | Condition |
|-----------|--------|-----------|
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LUCXXX  
CSTXXX

5 - 5F

*Erosion and Sediment Control Plan (ESCP)*

- (a) Prior to the start of construction, the Consent Holder shall engage a SQP to prepare an ESCP. The purpose of the ESCP is to set out measures to be implemented during construction to minimise erosion and the discharge of sediment beyond the boundaries of the Site.
- (b) The ESCP(s) shall be prepared in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05) or updated version except as otherwise provided for in these conditions.
- (c) The ESCP shall include the following information:
- (i) Location of the work.
  - (ii) Contour information.
  - (iii) Details of construction methods.
  - (iv) ESC measures for the works being undertaken within a particular construction area.
  - (v) Catchment boundaries of works and devices installed.
  - (vi) Design criteria, typical and site-specific details of ESC.
  - (vii) The identification of staff who will monitor compliance with the ESCP.
  - (viii) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water).
  - (ix) Chemical (or organic) treatment design and details including batch dosing.
  - (x) Pumping procedures where dewatering is required.
  - (xi) Earthworks programme and measures for the period between 1 May and 30 September.

Methodology, timing, staging and sequencing of stream works including culvert extensions and replacements, and any erosion sediment control measures to be employed to mitigate the effects on waterbodies.

*Site Specific Erosion and Sediment Control Plan (SSESCP)*

- (a) Prior to the commencement of any earthworks and/or streamworks on the Site, the Consent Holder must engage a SQEP to prepare an SSESCP. The purpose of the SSESCP is to set out the site specific measures to be implemented during construction to minimise erosion and the discharge of sediment beyond the boundaries of the Site.
- (b) The SSESCP must be prepared in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (GD05), including any amendments or revisions to GD05, or any replacement document that represents best practice erosion and sediment control (ESC) management.
- (c) The SSESCP must be implemented throughout the duration of the earthworks and/or streamworks to which it applies and must include the following information:
- a. details of erosion and sediment control measures for earthworks and/or streamworks (location, dimensions, capacity);
  - b. design drawings confirming the location, staging and sequencing of works, including installation of ESC measures;
  - c. details of construction methodologies (including timing and duration) for vegetation removal, earthworks, bridge works, culvert works and streamworks;
  - d. methodology for streambed remediation or stabilisation upon completion of stream works;
  - e. monitoring and maintenance requirements for all ESC measures;
  - f. relevant catchment boundary and contour information;
  - g. details of management measures for exposed areas (e.g. aggregate stabilisation, mulching);
  - h. details of management measures for the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water);

Commented [A9]: Changes agreed with NZTA.

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|  |  | <p>i. <u>where relevant, design details of a chemical (or organic) treatment system based on a rainfall activation and batch-dosing, including:</u></p> <p>i. <u>protocols and procedures for bench testing to determine which ESC measures will benefit from the use of flocculants, including: the effectiveness, suitability and optimal rates of application of the specific flocculant proposed to be applied (including assumptions);</u></p> <p>ii. <u>details of the ESC devices which are to be treated;</u></p> <p>iii. <u>design details including methodology and timing of application of the flocculation system;</u></p> <p>iv. <u>details of optimum dosage (including assumptions), including how chemical dosage has been adjusted to the minimum level necessary to achieve the most effective flocculent in terms of sediment removal;</u></p> <p>v. <u>treatment applications during pumping procedures where dewatering is required;</u></p> <p>vi. <u>monitoring, maintenance and contingency management, including record keeping systems, minimum clarity, and pH limits for discharges; and,</u></p> <p>vii. <u>spill contingency protocols.</u></p> <p>j. <u>earthworks programme and measures for the period between 1 May and 30 September.</u></p> <p>k. <u>identification and contact details of the personnel responsible for the operation and maintenance of all key ESC devices.</u></p> <p><u>Advice note: There is no condition requiring the preparation or certification of a Project-wide ESCP.</u></p> <p><u>5B. Prior to the commencement of earthworks and/or streamworks activity on the area of the site to which the SSES CP applies, a SQEP must provide written certification to the Council that the ESC measures have been constructed and completed in accordance with the relevant SSES CP.</u></p> <p><u>Advice Note: Certification documentation is available in Appendix C of Auckland Council Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016 (GD05): Erosion and Sediment Control construction quality checklists.</u></p> <p><u>5C. Unless otherwise approved by the Council, the maximum area of exposed earth at any one time when exercising this consent must be no greater than five (5) hectares.</u></p> <p><u>Advice Note: Exposed earth does not include areas of the site which have been stabilised with aggregate, and which remain managed by erosion and sediment controls in accordance with the ESCP for that area.</u></p> <p><u>5D. Earthworks and/or streamworks at the Site must be progressively stabilised against erosion throughout the land disturbance phases of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified SSES CP applicable to that area.</u></p> <p><u>5E. The operational effectiveness and efficiency of all erosion and sediment control measures in each SSES CP required by Condition 5 must be maintained throughout the duration of earthworks and/or streamworks activities in the area to which they apply, or until that area is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.</u></p> <p><u>5F. Earthworks and/or streamworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. Roads or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.</u></p> |
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| LUCXXX                   | 6.                | <p><i>Stabilisation</i></p> <p>If areas are stripped and exposed to erosion, and works are not to occur within that area within a subsequent 14-day period, then stabilisation <del>shall</del> <b>must</b> occur. This may include temporary stabilisation during staging of earthworks.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>CONTAMINATED LAND</b> |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| LUCXXX,<br>DISXXXX       | 7. <del>7C.</del> | <p><i>Contaminated Land</i></p> <p>7. Prior to <del>commencement</del> <b>start</b> of earthworks, the Consent Holder <b>must submit</b> <del>shall engage a SQEP to undertake</del> a Detailed Site Investigation (DSI) <del>within the Site for land identified in Schedule B to the Council for information as being potentially contaminated.</del> The DSI, <del>sampling and testing shall be overseen by a SQEP must be prepared in accordance with the Contaminated Land Management Guidelines No.1 &amp; No.5: (Ministry for the Environment, revised 2021) or updated version.</del></p> <p><u>7A. In the event the DSI required by condition 7 identifies contamination, then prior to the start of earthworks, the Consent Holder must prepare a Contamination Site Management Plan (CSMP).</u></p> <p><u>7B. The purpose of the CSMP is to identify measures to manage potential risks from disturbance of contaminated soils to human health and the environment (including from the discharge of sediment or sediment-laden water). The CSMP must:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Detail the procedures and controls required during and following the works to minimise the risk of potential effects on human health and the environment as a result of actual and potential soil contamination;</u></li> <li>(b) <u>Identify whether contaminated soils require remediation and, if so, detail:</u> <ul style="list-style-type: none"> <li>(i) <u>The remediation or management goal;</u></li> <li>(ii) <u>Remediation methodology, including the rationale;</u></li> <li>(iii) <u>Contingency measures if the remediation methodology fails to reach the remediation or management goal; and</u></li> <li>(iv) <u>Site validation sampling plan and reporting.</u></li> </ul> </li> <li>(c) <u>Be prepared in accordance with the Contaminated Land Management Guidelines No.1 (Ministry for the Environment, revised 2021) or updated version.</u></li> <li>(d) <u>Account for the soil contamination profile as detailed in the DSI required by condition 7.</u></li> <li>(e) <u>Detail methods to manage stockpiling of excavated soils containing elevated levels of contaminants. Stockpiling of material containing separate phase hydrocarbons or odorous petroleum hydrocarbons must not take place.</u></li> <li>(f) <u>Detail methods to manage any perched groundwater or surface run-off water encountered within excavation areas where soils containing elevated levels of soil contaminants are present.</u></li> <li>(g) <u>Include an accidental discovery protocol.</u></li> </ul> <p><u>Site Validation Report</u></p> <p><u>7C. Within three months of the completion of earthworks in an area where the CSMP identifies that remediation is required, a Site Validation Report (SVR) must be submitted to the Council for information. The SVR must be prepared in accordance with the requirements of section 2.8 of CLMG1, 12.3. The SVR must include:</u></p> <ul style="list-style-type: none"> <li>(a) <u>A summary of the works undertaken;</u></li> <li>(b) <u>The location and dimensions of the excavations (of contaminated soils) carried out, including a relevant site plan, and records of where any contaminated soil is to remain on site;</u></li> <li>(c) <u>Records of any unexpected contamination encountered during the Project Works;</u></li> <li>(d) <u>Soil sampling / validation results where remediation has been carried out or where unexpected contamination has been encountered;</u></li> <li>(e) <u>The locations and dimensions of excavations and the volume of soil excavated and records/evidence of the appropriate disposal for any material removed from the site; and</u></li> </ul> |

Commented [A10]: Agreed with NZTA.

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|  |  | <p>(f) <del>The requirements for any ongoing monitoring and management if any contaminated soil remains within the Designation Boundary.</del></p> <p>(g) <del>Conditions of the final site contamination profile, including details and results of any validation testing undertaken (with a map of sampling locations and tabulated sampling results) and interpretation of the results;</del></p> <p>(h) <del>Records/evidence of the appropriate disposal for any material removed from the site; and</del></p> <p>(i) <del>Records of any unexpected contamination encountered during the works and response actions, if applicable.</del></p> <p>(j) <del>Where a DSI prepared in accordance with Condition 7(a) above confirms the likely presence of contaminated soils, a SQEP shall prepare a Contaminated Soils Management Plan (CSMP). The purpose of the CSMP is to identify measures to manage potential risks from disturbance of contaminated soils to the health of workers and the environment.</del></p> <p>(k) <del>The CSMP shall contain procedures that are appropriate to mitigate the risks to the environment from the type, concentration and extent of contamination that was confirmed as likely being present during the DSI.</del></p> <p>(l) <del>If the CSMP identifies contaminated soils requiring remediation within the Site, the Consent Holder must prepare a Remedial Action Plan. The purpose of the Remedial Action Plan is to identify a remedial strategy and controls to mitigate the risk posed by any contaminants identified in the CSMP.</del></p> <p>(m) <del>The Remedial Action Plan shall include:</del></p> <p style="padding-left: 20px;">(i) <del>The remediation or management goal;</del></p> <p style="padding-left: 20px;">(iii) <del>Remediation methodology, including the rationale;</del></p> <p style="padding-left: 20px;">(iv) <del>Contingency measures if the remediation methodology fails to reach the remediation or management goal; and</del></p> <p style="padding-left: 20px;">(ii) <del>Site validation sampling plan and reporting.</del></p> |
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| Reference                      | Number                        | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>STORMWATER</b>              |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISXXXX,<br>LUCXXX,<br>WATXXX  | 8. ( <i>Augier</i> condition) | <p>(a) The Consent Holder <del>shall</del> <b>must</b> design the Project to direct all stormwater from impervious surfaces constructed for the Project to a stormwater treatment system before it is discharged to the environment.</p> <p>(b) The stormwater treatment system <del>shall</del> <b>must</b> be designed to achieve a minimum of 75% total suspended solids removal.</p>                                                                                                                                                                                                                                                    |
| DISXXXX                        | 9.                            | <p>(a) The Consent Holder <del>shall</del> <b>must</b> design the Project so that the discharge of stormwater from the Project does not increase stream velocity downstream of the stormwater outfall by more than 5% in a 95 percentile storm event.</p> <p>(b) <del>Prior to construction, the Consent Holder must provide to Council for information a summary technical note prepared by a SQEP demonstrating compliance with (a) above.</del></p>                                                                                                                                                                                      |
| DISXXXX,<br>LUCXXX,<br>WATXXXX | 10.                           | Within three months of completion of construction works, the Consent Holder <del>shall</del> <b>must</b> provide as-built plans of the stormwater management system for the Project to the Council.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>WORKS IN WATERCOURSES</b>   |                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| LUSXXX                         | 11.                           | <p><del>Tōtara Creek</del></p> <p>The Consent Holder shall design the Project so that it does not permanently divert or reclaim the bed of the Tōtara Creek as shown in Schedule C.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| LUSXXX                         | X.                            | <p><del>Streamworks</del> <b>Method Design Statement</b></p> <p>Prior to any streamworks commencing for each new culvert, culvert extension, stormwater outfall or bridge structure, a Streamworks Method Design Statement (SMDS) and accompanying design drawings must be provided to the Council. The purpose of the SMDS is to ensure key structure design elements that avoid or minimise adverse effects on the stream bed are met. The SMDS must include:</p> <p>(a) The angle of discharge from the outfall(s) to the stream bed to confirm that the outfall(s) are constructed at an angle that avoids erosion and scour of the</p> |

Commented [A11]: Agreed with NZTA.

Commented [A12]: Deletion agreed with NZTA.

Commented [A13]: Condition not agreed. Instead of the "Final Outfall Design", "Final Culvert Design" and "Final Bridge Design" conditions (27 – 29) in Attachment 2 to the parties' joint 26 June 2026 memo, Council proposes this SMDS condition.

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|                                         |     | <p>stream bed at the discharge point.</p> <p>(b) Confirmation of the location of outfall(s) and that where possible, the outfalls have been located outside of the stream bed to minimise stream bed erosion.</p> <p>(c) Final culvert design details that confirm the overall length of new culverts and/or culvert extension(s) have been designed to the minimum extent practicable, to minimise stream bed loss and modification.</p> <p>(d) The level of fish passage proposed through each new culvert and/or culvert extension and, where a reduction in fish passage is proposed, provide detail on how the provision for fish passage can be improved or retrofit where possible. This is to ensure that the culvert extensions will not result in fish passage impediments that do not currently exist, and new culverts provide for fish passage improvements.</p> <p>(e) Final length of erosion and scour protection associated with each structure, that confirms it has been designed to the minimum extent practicable, to minimise stream bed modification.</p> <p>(f) Final bridge designs that demonstrate the bridge structures including abutments and piles will not be constructed within the stream or riverbed.</p> |
| DISXXX,<br>LUCXXX,<br>WATXXX,<br>LUSXXX | 12. | <p><del>Scour Protection</del></p> <p>(a) The Consent Holder shall design scour protection for the Project in accordance with Technical Report 2013/018 (Auckland Council 2013) for the following:</p> <p>(i) Stormwater outfalls using 176mm for the 10% AEP 24-hour rainfall depth that includes a 2.4 degree Celsius increase in temperature for climate change.</p> <p>(ii) Culvert inlets and outlets using 332mm for the 1% AEP 24-hour rainfall depth that includes a 3.8 degree Celsius increase in temperature for climate change.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| DISXXX,<br>WATXXX,<br>LUCXXX            | 13. | <p><del>Fish Passage</del></p> <p>Fish passage shall be provided in all new culverts unless deemed by a <u>SQEP</u> to be <del>-(a)-</del> unnecessary because:</p> <p>(i) there is no upstream fish habitat; or</p> <p>(ii) there are other <u>naturally</u> existing barriers to fish passage; <del>or</del></p> <p><del>(b)-impracticable.</del></p> <p><b>Advice note:</b> This condition does not apply to culvert extensions or any culvert that complies with the conditions in regulation 70 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>ECOLOGICAL MANAGEMENT</b>            |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| LUCXXX                                  | 14. | <p><del>Terrestrial Native Vegetation Removal</del></p> <p>(a) If <u>native</u> vegetation within the Designation is removed in the SEAs shown in Schedule D, in a coastal margin, <u>in a natural inland wetland or its buffer</u>, or in a riparian margin, the Consent Holder <u>shall must</u>:</p> <p>(i) for temporary construction works, plant <u>ecosystem appropriate</u> native vegetation in those areas where vegetation was removed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Commented [A14]: Deletion not agreed by NZTA.

Commented [A15]: Changes not agreed by NZTA.

Commented [A16]: Changes not agreed, with the exception of the reference to "eco-sourced" planting.

| Reference | Number | Condition |
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|  |    | <p>(ii) for permanent <del>habitat loss</del> works, plant an equal area (in m<sup>2</sup>) <del>provide a Biodiversity Accountancy Model (BOAM) and implement the outcomes of the BOAM.</del></p> <p>(iii) <del>within a SEA, coastal margin or riparian margin:</del><br/> A. <del>within the Designation; or</del><br/> B. <del>within 1500m of the boundary of the Designation.</del></p> <p>(b) <del>Any mitigation planting undertaken in accordance with Condition 15 can also be counted as mitigation planting under Condition 14 for removal of vegetation in riparian margins. The vegetation removal must account for staging of the construction.</del></p> <p>(c) For planting under (a) the Consent Holder <del>shall</del> <u>must</u>:<br/> (i) engage a <u>SQP SQEP</u> to <del>advise</del> <u>demonstrate compliance with the following: eco-system specification, appropriate on</u> location and determine plant species and <u>eco</u>-sourcing, density and sizing, <u>in accordance with the guidelines detailed in Te Haumanu Taiao</u>;</p> <p>(ii) undertake <u>eco-sourced</u> planting within the first planting season following completion of construction <del>where practicable</del>;</p> <p>(iii) undertake pest <u>animal and</u> plant control for a five year period; and</p> <p>(iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).</p> |
|  | X. | <p><del>Tree Removal</del></p> <p>An Arboricultural report prepared by a suitably qualified and experienced Arborist must be prepared and submitted to the Council for certification prior to the commencement of construction. The report must include detail to demonstrate that tree impacts on mature specimens are avoided, minimized and reduced through retention in the first instance, and provide for mitigation or offset planting to ensure there is no net loss of canopy coverage within the different habitats and areas including; SEAs, riparian margins, and coastal margins. Construction works must not commence until Council has certified that there will be no net loss of canopy cover within each of the habitats.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Commented [A17]: Condition not agreed by NZTA.

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| LUCXXX | 15. | <p><del>Works</del> in Watercourses</p> <p>(a) If <del>native</del> vegetation is permanently removed for bridging of a watercourse, the Consent Holder shall plant the riparian margin of:</p> <ul style="list-style-type: none"> <li>(i) the same stream; or</li> <li>(ii) another stream that intersects the Designation.</li> </ul> <p>(b) The area of riparian margin planting under (a) shall be no less than the area of the permanent vegetation removal.</p> <p>(c) For any new (including extension of) permanent culverts and stormwater outfalls in a watercourse, the Consent Holder <del>shall</del> <u>must undertake an evaluation of the impact using the Stream Ecological Valuation (SEV) and Environmental Compensation Ratio (ECR) methodology and implement the outcomes, plant the riparian margin of:</u></p> <ul style="list-style-type: none"> <li><del>(i) the same stream; or</del></li> <li><del>(ii) another stream that intersects the Designation.</del></li> </ul> <p>(d) The riparian margin planting under (c) shall be 1.5x the length of the watercourse occupied by the culvert or outfall and a minimum of 5m wide on each side of the watercourse (from the edge of the channel).</p> <p>(e) Any mitigation planting undertaken in accordance with Condition 14 for removal of vegetation in riparian margins <del>cannot</del> <u>can also</u> be counted as <del>mitigation-compensation</del> <u>planting for the stream loss and modification</u> under Condition 15.</p> <p>(f) For planting under (a) and (c) the Consent Holder <del>shall</del> <u>must</u>:</p> <ul style="list-style-type: none"> <li>(i) engage a <del>SQP SQEP</del> <u>to demonstrate compliance with the following: eco-system specification, appropriate advise on location and determine plant species and sourcing, density and sizing;</u></li> <li>(ii) undertake <del>eco-sourced</del> <u>planting within the first planting season following completion of construction where practicable;</u></li> <li>(iii) undertake pest plant control for a five year period; and</li> <li>(iv) monitor planted areas and undertake replacement planting for a five year period or until 80% native canopy cover is achieved (whichever is less).</li> </ul> |
| LUCXXX | 16. | <p><del>Native Birds</del></p> <p><del>If</del> <u>vegetation clearance within open space, an SEA(s), a coastal margin(s) or a riparian margin(s) (excluding vegetation on land zoned residential)</u> is to occur during the native bird nesting period (September to February inclusive), the Consent Holder <del>shall</del> <u>must</u> engage a SQEP to:</p> <p>(a) Undertake native bird nesting surveys before vegetation is cleared</p> <p>(b) If active native bird nests are found, identify <u>the following</u> set back distances for construction works until the young birds have fledged or the nest is naturally abandoned:</p> <ul style="list-style-type: none"> <li>• <u>a 50m set back distance if Threatened or At-Risk active wetland bird nests are found; and</u></li> <li>• <u>A 20m set back distance for other active native bird nests.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| LUSXXX | 17. | <p><del>Fish Salvage and Relocation</del> <u>Native Fish Capture and Relocation Plan</u></p> <p><del>(a) The Consent Holder shall salvage and relocate native freshwater fish and kākahi to the extent practicable prior to any dewatering or diversion in a</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Commented [A18]: Changes not agreed by NZTA.

Commented [A19]: Agreed with NZTA. Related definition added above.

Commented [A20]: Changes not agreed by NZTA.

| Reference | Number | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|           |        | <p><del>section of a watercourse that a SQP determines supports a population of native fish.</del></p> <p><del>(b) The salvaged native fish and kākahi should be relocated within the same stream with similar hydrological conditions or other suitable habitat determined by a SQP.</del></p> <p>(a) <u>Prior to the commencement of any streamworks, a Native Fish Capture and Relocation Plan must be submitted to the Council for certification. The purpose of the Native Fish Capture and Relocation Plan is to ensure</u></p> |

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|                |     | <p><u>fish will be appropriately removed prior to commencement of works from an area subject to the streamworks, to avoid fish mortality. The Native Fish Capture and Relocation Plan must be prepared by a suitably qualified and experienced Freshwater Ecologist and include the following detail, but not be limited to:</u></p> <ul style="list-style-type: none"> <li><u>i) Methodologies to capture fish within the impacted streams, ponds and wetland habitats, or justification there is no habitat for native fish present at the time of works;</u></li> <li><u>ii) Fishing effort;</u></li> <li><u>iii) Details of the relocation site;</u></li> <li><u>iv) Storage and transport measures including prevention of predation and death during capture;</u></li> <li><u>v) Euthanasia methods for diseased or pest species; and</u></li> <li><u>vi) Confirmation on the habitat availability of the relocation site to support fish at the time of streamworks.</u></li> </ul> <p>(b) <u>Native fish capture and relocation must be undertaken in accordance with the certified Native Fish Capture and Relocation Plan, and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that is not caught during de-fishing are salvaged.</u></p> <p>(c) <u>The consent holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Council within 5 days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand native freshwater Fish database.</u></p> |
| LUCXXX         | 18. | <p><i>Bat management</i></p> <p>Prior to the removal of any trees in the area shown in Schedule E that, in the opinion of a <del>SOEP SQP</del>, may be used as roost for bats, then the Consent Holder <del>shall</del> <u>must</u> apply the Department of Conservation Bat Roost Protocols (Protocols for minimising the risk of felling occupied bat roosts October 2024) or updated version.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| LUCXXX         | 19. | <p><del>Kauri</del> <i>Die-Back Management</i></p> <ul style="list-style-type: none"> <li>(a) The Consent Holder <del>shall</del> <u>must</u> implement kauri dieback management measures for the kauri tree identified in Schedule F in the event that the kauri tree is present at the time of construction.</li> <li>(b) Kauri dieback management measures <del>shall</del> <u>must</u> be in accordance with <u>Standard Operating Procedures (Auckland Council, 2021) or updated version, provided that document is in force at the time of construction, Biosecurity Order 2022 (National Pest Management Plan for <i>Phytophthora agathidicida</i>) and the Auckland Regional Pest Management Plan 2020 — 2030 (Auckland Council, 2021) or updated versions.</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| COASTAL PERMIT |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

Commented [A21]: Changes agreed with NZTA

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| CSTXXXX | 20. | <p><u>Coastal</u> Construction Management Plan (CCMP)</p> <p>(a) Prior to the commencement of works within the Coastal Marine Area (CMA), the Consent Holder <del>shall</del> <b>must</b> prepare a CCMP. The objective of the CCMP is <b>to</b> manage construction effects in the Coastal Marine Area. The CCMP <del>shall</del> <b>must</b> include;</p> <ul style="list-style-type: none"> <li>(i) Timing, staging and sequencing of coastal works</li> <li>(ii) A final construction methodology and plans of the temporary and permanent structures within the CMA</li> <li>(iii) The route to be used for accessing the <u>Site site</u> for construction purposes</li> <li>(iv) Methods <u>for minimising the removal/pruning of mangroves and, when removing mangroves, they to ensure that, where practical, when removing mangroves, mangroves</u> are cut as close to the sediment as possible and <del>leave</del> root masses <u>are left</u> intact <del>where possible</del>;</li> <li>(v) Methods to maintain a safe navigation channel where practicable past the works site, and <u>how</u> periods where navigation past the site may be restricted, <del>and how this</del> will be communicated to affected channel users.</li> <li>(vi) The construction footprint, demarcating those areas in the CMA and coastal edges which need to be physically marked onsite, with access (for vehicles and staff) restricted to the footprint;</li> <li>(vii) Contingency plans in case of discharges to the <u>CMA coastal marine area</u> during works;</li> <li>(viii) General site management, including details of: <ul style="list-style-type: none"> <li>(A) the bunding or containment of fuels and lubricants to prevent the discharge of contaminants;</li> <li>(B) methods to ensure that any equipment or machinery to be stored on the temporary staging is appropriately secured above mean high water springs, and methods to ensure that no spills into the <u>CMA coastal marine area</u> will occur;</li> </ul> </li> <li>(ix) methods to maintain or restrict public access to and along the <u>CMA coastal marine area</u> while the activities are being carried out, <u>and how access restrictions will be communicated to affected members of the public</u>;</li> <li>(x) A removal methodology for temporary platform and piles extraction, for mangrove removal and <u>for the disposal for of</u> cleared mangroves and <u>all</u> spoil from drilling for piles, <u>to be outside of the CMA</u>; and</li> <li>(xi) Details of reinstatement upon completion of the activities in the CMA.</li> </ul> |
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Commented [A22]: Agreed with NZTA.

| Reference | Number | Condition                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CSTXXXX   | 21.    | <p><i>Bridge Crossings of Henderson and Huruwhiri Creek</i></p> <p>The Consent Holder <del>shall</del> <b>must</b> design the permanent bridge crossings of Wai-o-Pareira / Henderson Creek and Huruwhiri Creek so that the minimum freeboard height of any bridge soffit above mean high water springs is no less than that of the existing adjacent SH16 bridges that cross these watercourses.</p>                                     |
| CSTXXXX   | 22.    | <p><i>Permanent Occupation</i></p> <p>The Consent Holder <del>shall</del> <b>must</b> provide as built plans of all structures occupying the CMA to the <u>Manager Council</u> within 3 months of the completion of construction.</p> <p><u>The exclusive occupation of the common marine and coastal area is limited to the busway structure(s) and any other area necessary for the primary purpose of the busway structure(s).</u></p> |

Commented [A23]: Agreed with NZTA.

## Te Ara Hauāuru Northwest Rapid Transit



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| X. | <p><del>Underwater noise</del></p> <p>The consent holder must implement the following measures where practicable as below to minimise the underwater noise during impact driving and vibratory piling:</p> <ul style="list-style-type: none"> <li>(a) Use piling methods that minimise underwater noise e.g.: 'soft starts' (gradually increasing the intensity of impact piling);</li> <li>(b) Use a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet (e.g. plastic or plywood);</li> <li>(c) Not commencing or stopping piling (generation of underwater noise) if a marine mammal is identified within 220m from the site; and</li> <li>(d) Only undertake piling (generation of underwater noise) when marine mammals are not present within 220m from the site</li> </ul> |
|    | <p><del>Review condition</del></p> <p>Under section 128 of the RMA the conditions of this consent may be reviewed by the Council at the consent holder's cost:</p> <ul style="list-style-type: none"> <li>(a) At any time within 6 months of commencing work on a stage of the project; or</li> <li>(b) Otherwise, every two years on the anniversary of the grant of consent,</li> </ul> <p>to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage. This includes but is not limited to potential adverse effects on the coastal environment or surrounding structures.</p>                                                                                                                   |
|    | <p><del>Groundwater conditions</del></p> <p><b>To be drafted / included</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|    | <p><del>Industrial and Trade Activities</del></p> <p>Advice note: It is assumed that any construction laydown areas comply with E33.6.1.2 of the AUP (Discharge from an industrial or trade activity area). If not, resource consent may be required under Table E33.4.2(A12).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**Commented [A24]:** Not agreed with NZTA.

**Commented [A25]:** Not agreed by NZTA.

**Commented [A26]:** Not agreed. There remains a difference in opinion between the specialists re the methodology for determining settlement effects, and sufficiency of information. Council considers conditions are needed, but that it's premature to settle them absent further information etc. Conditions are likely to include, but not be limited to, a Ground Settlement Monitoring & Contingency Plan condition.

**Commented [A27]:** Not agreed by NZTA.

