

## **Attachment 21**

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Copy of dredging permits

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**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2022] NZEnvC 230**

IN THE MATTER OF

two appeals under section 120 of the  
Resource Management Act 1991

BETWEEN

PROTECT AOTEA

(ENV-2020-AKL-000155)

PROTECT OUR GULF  
INCORPORATED

(ENV-2020-AKL-000157)

Appellants

AND

AUCKLAND COUNCIL

Respondent

AND

PORTS OF AUCKLAND LIMITED

Applicant

Court: Chief Environment Court Judge D A Kirkpatrick sitting alone  
under s 279(1)(b) of the Act

Date of Order: 7 November 2022

Date of Issue: 7 November 2022

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**CONSENT ORDER**

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Protect Aotea & Protect Our Gulf Incorporated v Auckland Council

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the conditions of consent imposed on the capital works dredging are amended in the manner shown in **Appendix A**;
- (2) the appeals are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This order concerns appeals brought by Protect Aotea and Protect Our Gulf Incorporated which challenged decisions by Auckland Council to grant Ports of Auckland Limited (**POAL**) the necessary resource consents to undertake capital works dredging and on-going maintenance dredging activities within the Waitematā Navigation Channel Precinct and Port Precinct (application reference number BUN60348750) (**Resource Consents**).

[2] Protect Aotea's appeal concerned:

- (a) the need for an integrated consideration and assessment of dredging and the disposal of dredged material authorised under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 by POAL's dumping permit; and
- (b) the cultural and ecological effects of the dredging.

[3] Protect Our Gulf Incorporated's appeal concerned:

- (a) the unbundling of the Resource Consents;

- (b) ecological, coastal processes, and cultural effects of the dredging; and
- (c) the cultural and ecological effects of disposal of the dredged material in the Exclusive Economic Zone.

[4] The following parties have given notice of an intention to become parties to one or other of the appeals under s274 and have signed the memorandum setting out the relief sought:

- (a) Society for the Protection of Aotea Community and Ecology Incorporated;
- (b) Ngāti Paoa Trust Board;
- (c) Ralph Golaboski;
- (d) Cait Devey;
- (e) Sam Grimshaw;
- (f) Manuka Davenport; and
- (g) Sharon Reid.

[5] The Court was asked to rule on two preliminary questions of law and issued its decision on those questions on 14 September 2021.<sup>1</sup> Protect Aotea unsuccessfully appealed the Court's decision on one of the preliminary questions to the High Court.<sup>2</sup> It then sought leave to appeal the High Court's decision to the Court of Appeal. The application for leave to appeal to the Court of Appeal was withdrawn on 19 October 2022.

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<sup>1</sup> *Protect Aotea and another v Auckland Council and another* [2021] NZEnvC 140.

<sup>2</sup> *Protect Aotea v Auckland Council and another* [2022] NZHC 1428.

## **Agreement reached**

[6] The parties have engaged in direct discussions, Court-assisted mediations, and expert conferencing. As a result of those combined efforts, the Parties have agreed that the Appeals can be resolved subject to amendments to the conditions for the capital works dredging.

[7] The key amendments to the conditions imposed on the capital works dredging are:

- (a) introduction of a pre-commencement notification process to mana whenua to determine interest in further involvement on a range of matters under the Resource Consents, including review and comment of the draft Dredging Management Plan, accidental discovery protocols and monitoring processes;
- (b) refinement of the methods and processes regarding:
  - (i) the Dredging Management Plan (regarding the appropriateness of the transfer vessel for managing sediment discharges);
  - (ii) the Biosecurity Management Plan (regarding accidental release from a transfer vessel);
  - (iii) the timing and parties to be notified in responding to accidental release of dredged material (with additional parties to be notified including MPI Biosecurity New Zealand and mana whenua);
  - (iv) record keeping for dredge volumes and disposal methods;
  - (v) water quality, visual suspended sediment, and ecological monitoring;

- (c) inclusion of a process regarding the deposition of shell and/or rock material removed from the navigation channel for habitat re-establishment within the Rangitoto Channel, or provided to Revive Our Gulf for use in other areas of the Hauraki Gulf as enabled by its separate consent; and
- (d) in addition, minor corrections/improvements are proposed to the wording of a number of conditions.

### **Consideration**

[8] The Court has now read and considered the appeals and the consent memorandum of the parties dated 2 November 2022.

[9] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties agree that the proposed amendments are within the scope of the original application and the Appeals; and
- (c) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[10] There were minor cross-referencing errors apparent in the annexures provided to the Court. The Court has made the appropriate amendments in the annexures to this order, being:

- (a) in Appendix A:
  - (i) Condition 12A(e) should refer to condition 22A rather than condition 18;
  - (ii) Condition 16 should refer to condition 12A(d) rather than condition 12A(c);
  - (iii) Condition 22A should refer to condition 12A(e) rather than 12A(d); and
- (b) in Appendix B:
  - (i) Condition 20 should refer to condition 12(e) rather than condition 12(d); and
  - (ii) Condition 26 should refer to condition 12(f) rather than condition 12(e).

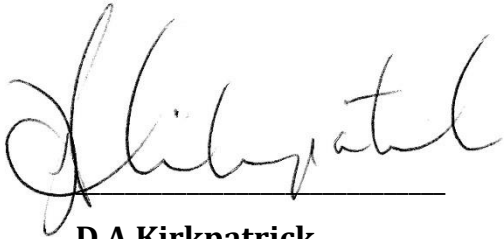
## Order

[11] Therefore the Court orders, by consent, that:

- (a) under s 279(1)(b) of the Resource Management Act 1991:
  - (i) the appeals are allowed to the extent that the conditions of consent imposed on the capital works dredging are amended in the manner shown in **Appendix A**; and
  - (ii) the appeals are otherwise dismissed.
- (b) under s 285 of the Resource Management Act 1991, there is no order as to costs.

[12] A clean version of the consent for the capital works dredging is attached as **Appendix B**.

[13] A copy of the consent for the maintenance dredging as granted by Auckland Council is attached as **Appendix C**. There are no changes to this consent, and it is attached for completeness.

A handwritten signature in black ink, appearing to read 'D A Kirkpatrick', written over a horizontal line.

**D A Kirkpatrick**

**Chief Environment Court Judge**





## APPENDIX A

### AMENDMENTS TO CONDITIONS IN UNDERLINE AND ~~STRIKETHROUGH~~

#### Coastal and discharge permit CST60348302 (capital works dredging)

##### General conditions

##### Development in accordance with application reports and plans

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number CST60348302:
  - Application Form and Assessment of Environmental Effects prepared by Bentley & Co, dated October 2019;
  - Further information prepared by Bentley & Co, dated 18 November 2019, 2 March 2020 and 5 March 2020.

Report title and reference	Author	Rev	Dated
Coastal Processes Assessment Report, Rangitoto Channel Shipping Lane Deepening	Beca	5	25/10/2019
Rangitoto Channel Capital Works Dredging Environmental Assessment	Kennedy Environmental Limited	4	25/10/2019
Quality of sediments in the Waitemata Navigation Channel Precinct (Rangitoto Channel and Fergusson North berth and approaches)	Kennedy Environmental Limited	3	07/02/2020
Ports of Auckland Dredging Campaign, Navigational Risk Assessment	Navigatus Consulting	0.3	17/09/2019
Waitemata Navigation Channel Dredging Noise Assessment	Marshall Day Acoustics	-	24/10/2019
Cultural Values Assessment	Ngaati Whanaunga Incorporated Society	-	July 2019
Drawing title and reference	Author	Rev	Dated
Figure A.3 Proposed Shipping Lane Layout	Beca	-	-
Figure A.4 Proposed Shipping Lane - Channel Cross Sections	Beca	-	-
Figure A.5 Pre and Post Dredging Cross Section	Beca	-	-

## **Lapse/Duration**

2. Under section 125 of the RMA, this consent lapses ~~ten~~ five years after commencement unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses under section 125(1A)(b).

### **Advice Note:**

*The capital dredging works are intended to be completed in two stages. The capital dredging permit will be given effect to upon the commencement of Stage 1.*

3. The permit to undertake capital dredging activities under CST60348302 shall expire on 6 August 2035 (15 years from decision date), unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

## **Dredging Methodology**

4. The consent holder shall ensure the dredging is carried out using a mechanical excavator and that there is no blasting.

## **Timing restrictions**

5. Except for dredging activities within the Port Precinct, dredging shall not be undertaken west of a line between North Head and Bastion Point during the night-time period (2200 – 0700).

### **Advice note:**

*A restriction on dredging works at night (10pm – 7am) is to ensure that the nighttime noise limits specified in AUP (OP) E25.6.14 are met at all times.*

6. No dredging shall occur during:
  - a. Any ~~Prada Cup and America's Cup~~ racing events under ~~the 36th an~~ America's Cup regatta hosted in the vicinity of the Waitemata Navigation Channel Precinct and/or Port Precinct;
  - b. Public holidays; and
  - c. Auckland Anniversary Weekend.
7. No dredging within Area D (coloured green in Figure 1 below) shall occur during the Summer peak period (defined as the period between 1 December and Easter Monday inclusive) between the hours of 7am and 10am on weekdays.

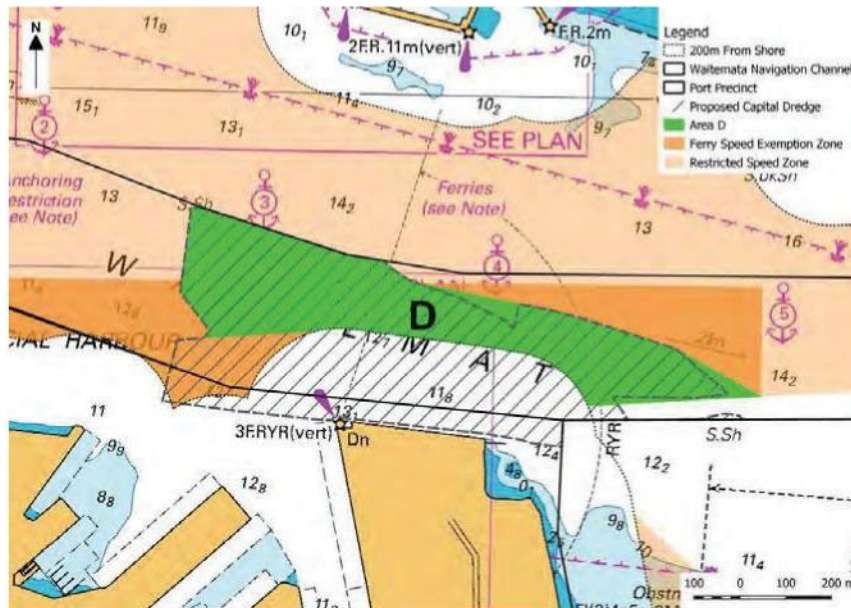


Figure 1: Extent of “Area D” (coloured green)

## Public Access

8. The consent holder shall ensure that public access to and within the coastal marine area shall be maintained while the capital dredging activity is undertaken, except where it is necessary to exclude the public for health and safety reasons. Public access shall be maintained to the satisfaction of Council (Team Leader Compliance Monitoring Central in consultation with the Harbourmaster).

## Monitoring

9. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

### Advice note:

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## Subsequent Charges

10. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

## Notification of works commencing

11. At least ten (10) working days prior to the commencement of each 'dredging campaign', the consent holder shall provide notification of the proposed dredging commencement date in writing to the following:
- a. The Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal) - (Auckland Council, P.O. Box 92300, Victoria Street West, Auckland 1142 or [coastal-monitoring@aucklandcouncil.govt.nz](mailto:coastal-monitoring@aucklandcouncil.govt.nz)).
  - b. Maritime New Zealand (P.O. Box 27006, Wellington 6041).
  - c. Auckland Harbour Master (Auckland Transport Harbour Masters Office, Private Bag 92250, Auckland, 1142 or [HarbourMaster@aucklandtransport.govt.nz](mailto:HarbourMaster@aucklandtransport.govt.nz)) ~~New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)).~~
  - d. New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)).
  - e. All mana whenua who have advised the consent holder in writing of a wish to be notified of commencement of works in accordance with Condition 12A, ~~shall be given the opportunity by the consent holder to conduct karakia and/or other such cultural ceremonies and activities as are appropriate.~~
  - f. Protect our Gulf Inc.

~~A copy of the written notification under (e) above shall be forwarded to the Council (Team Leader Compliance Monitoring Central).~~

### **Advice Note:**

*A 'dredging campaign' is ~~any planned period of dredging~~ Stage 1 or Stage 2.*

## Pre-commencement conditions

### **Notification to mana whenua specified in Table 1**

- 12A. At least ninety (90) working days prior to the commencement of each 'dredging campaign', the consent holder shall provide notification in writing to the mana whenua listed in Table 1 of the opportunity for mana whenua to request in writing:
- a. to be notified of the commencement of each 'dredging campaign' and provided the opportunity to conduct karakia and/or other such cultural ceremonies and activities, in accordance with condition 11(e);
  - b. an opportunity to review and comment on the draft Dredging Management Plan, in accordance with condition 12B;
  - ba. to receive a copy of the certified Dredging Management Plan prior to the commencement of any dredging campaign;

- c. to receive a copy of the certified BMP prior to the commencement of any dredging campaign;
- d. to be notified of any discovery containing koiwi, archaeology or artefacts of Māori origin, and provided information on the nature and location of the discovery and given the opportunity to conduct karakia and/or other such cultural ceremonies and activities as are appropriate, in accordance with condition 16;
- e. to receive notification of any accidental release of dredged material while it is being transported in the coastal marine area, in accordance with condition 22A; and/or
- f. to receive a summary of the water quality sampling required by condition 23;
- g. to receive details of any contingency measures implemented in accordance with condition 27;
- h. to receive notification of any noticeable sediment plume in accordance with condition 29;
- i. to receive a summary of the observations of the video footage (as required by Condition 32), in accordance with condition 34.
- j. to receive the report describing the ecological changes that have occurred following dredging, in accordance with condition 36.

A copy of any written notice received by the consent holder shall be forwarded to the Council (Team Leader Compliance Monitoring Central).

In the event any mana whenua listed in Table 1 advise the consent holder in writing of a wish to receive the information or notification(s) referred to in (d) – (h) above, the consent holder shall provide the mana whenua with the information or notification at the same time as it is provided to the Council (Team Leader Compliance Monitoring Central).

**Table 1: Mana whenua to be notified in accordance with Condition 12A**

<u>Ngāi Tai ki Tāmaki</u>
<u>Ngāti Kawau te Kotuku</u>
<u>Ngāti Kuri</u>
<u>Ngāti Maru</u>
<u>Ngāti Paoa Iwi Trust</u>
<u>Ngāti Paoa Trust Board</u>
<u>Ngati Rehua Ngatiwai Ki Aotea</u>
<u>Ngāti Te Ata</u>
<u>Ngaati Whanaunga</u>
<u>Ngāti Whātua Ōrākei</u>
<u>Te Ahiwaru - Waiohau</u>
<u>Te Uri o Te Aho</u>
<u>Te Waiariki Korora nga Hapū o Ngāpuhi-Nui-Tonu</u>

Advice Note:

As at the date of commencement, Ngati Paoa Iwi Trust, Ngati Paoa Trust Board, Ngati Whatua Orakei Trust and Ngati Rehua Ngatiwai Ki Aotea have advised the consent holder in writing of a wish to receive the information, notifications and opportunities referenced in this condition. No further notification is required to those mana whenua nor response from them in order for them to receive the information, notifications and opportunities referenced in this condition.

## **Dredging Management Plan**

- 12B. In the event any mana whenua listed in Table 1 advise the consent holder in writing within twenty (20) working days of receipt of the letter sent in accordance with condition 12A of a wish to be consulted on the draft Dredging Management Plan (DMP) prior to its lodgement with the Council, the consent holder shall provide mana whenua with a minimum of twenty (20) working days to review and comment on the draft DMP.
12. At least twenty (20) working days prior to the start of Stage 1 of the capital dredging works within the coastal marine area, the consent holder shall submit for certification a Dredging Management Plan (DMP) to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal). The DMP shall be prepared by an appropriately qualified specialist and must contain the following:
- a. confirmation of the dredging campaign programme ~~for the calendar year~~;
  - b. a schedule for reporting to the Council (Team Leader Compliance Monitoring Central) on the total volume of removed material associated with each dredging campaign for the calendar year;
  - c. a schedule for notifying the Harbourmaster's office about dredging operations;
  - d. details of how dredging operations will be managed;
  - e. operating procedures for dredging operations for interfacing with other harbour users including piloted ships, ferries and Royal New Zealand Navy vessels;
  - f. procedures to ensure priority is provided to commercial transport ships over dredging vessels;
  - g. details of the dredging methodology (by mechanical excavator);
  - h. methods to minimise the release of sediment during dredging operations (including the transportation of dredged material within the coastal marine area), including confirmation that any transfer vessel is fit for purpose (including but not limited to vessel gunwales high enough relative to the height of sediment to prevent sediment spillage over the side and that no water (either bilge or ocean) discharges from the hopper to the sea during transfers) and monitoring of the sediment plume required under Condition 23 and monitoring of suspended sediment required under Condition 29;
  - i. contingency measures to be implemented should any new non-indigenous marine species or unwanted organism (as defined under the Biosecurity Act 1993 be identified;

- j. contingency measures to be implemented where required under Condition 27;
- k. confirmation of the disposal site for the dredged material, noting what resource consent or other permit approves the disposal, and compliance with any conditions regarding volume, contaminants or marine biosecurity risks;
- l. the consultation undertaken by the Consent Holder with mana whenua in accordance with condition 12A to develop the DMP, including any feedback received from mana whenua, any measures that will be adopted based on this consultation and in the event any requested measures are not adopted the reasons why.

No capital dredging works shall commence until certification is provided from the Council that the DMP satisfactorily meets the requirements of this condition, and that any required information and measures referred to in the DMP have been provided and/or put in place prior to the commencement of, or as part of, the dredging works.

In the event the dredged material is to be disposed in reliance on EPA permit EEZ400011, the information required under condition 12(j) must include a copy of the most recent Sampling Results provided under Condition 7 of that permit including sediment characterization, contaminant levels and biosecurity risk.

**Advice Note:**

“Transfer vessel” is any vessel used to transfer dredged material from the dredge site to its disposal location.

- 13. The DMP required by Condition 12 may be submitted in parts or in stages to address changes to the detail of the DMP or to reflect the staged implementation of the capital works dredging. When provided in part or for a stage, the DMP shall be submitted to Council (Team Leader Compliance Monitoring Central for certification in conjunction with Team Leader - Coastal) at least twenty (20) working days prior to commencement of that stage of the works.

13A The consent holder shall provide a copy of the certified DMP to Protect our Gulf Inc prior to the start of Stage 1 of the capital dredging works and, in the event it is subsequently amended, any amended DMP within 5 working days of it being certified.

**Biosecurity Management Plan**

- 14. At least forty (40) working days prior to the start of Stage 1 of the capital dredging works the consent holder shall submit to Council for certification (Team Leader Compliance Monitoring Central in conjunction with Team Leader – Coastal and Team Leader - Biosecurity) a Biosecurity Management Plan (BMP). The BMP shall include the following:
    - a. Information regarding the vessels to be used for dredging operations.
    - b. Briefing of the contractor(s) about terrestrial biosecurity risks.
    - c. A requirement that no terrestrial animals are to be brought on board any vessel.
-

- d. The installation and maintenance of rodent and ant traps on board any tow vessels, servicing vessels and barges.
- e. Inspections of vessels and barges on a weekly basis for indication of insect infestation, rodent droppings or visible evidence of any other terrestrial pest species.
- f. Procedures for notifying Council (Biosecurity Team officers) if terrestrial pest species are observed.
- g. Allowance for Auckland Council biosecurity dog checks for specific pests as and when requested by the Council.
- h. Methods to avoid the transfer and/or spread of non-indigenous marine species during transportation;
- i. Procedures to be followed in the event of any accidental release of dredged material from a transfer vessel including an assessment of effects and, if required, appropriate action(s) to remedy or mitigate effects.

All works shall comply with the certified BMP at all times, and no dredging works shall commence until confirmation is provided from the Council that the BMP satisfactorily meets the certified requirements above and that any required measures referred to in the BMP have been put in place prior to the commencement of works.

14A. The consent holder shall provide a copy of the certified BMP to Protect our Gulf Inc prior to the start of Stage 1 of the capital dredging works and, in the event it is subsequently amended, any amended BMP within 5 working days of it being certified.

## **Navigation and Safety**

- 15. At least forty (40) working days prior to the start of any dredging campaign, the consent holder shall request that the Harbourmaster issue:
  - a. A single generic temporary Notice to Mariners advising mariners of the overall dredging campaign and associated barge and tow operations to, from and at any disposal area.
  - b. Local Notices to Mariners as the campaign stops and starts to notify local mariners of where the dredge will be operating, within the overall campaign area and advising of any special precautions that mariners should take.

A copy of the request to the Harbourmaster required under this condition shall be forwarded to the Council (Team Leader Compliance Monitoring Central) and to the equivalent person at Waikato Regional Council.

## **Works in progress conditions**

### **Accidental Discovery Protocol**



16. If, at any time during the dredging works, the discovery of sensitive material is discovered, the standards and procedures of Rule F2.21.1.4 of the Auckland Unitary Plan (Operative in part) as amended by Plan Change 15 shall apply.

In addition to the requirements of Rule F2.21.1.4, if the discovery contains koiwi, archaeology or artefacts of Māori origin, the consent holder shall notify representatives from any mana whenua that have notified the consent holder in writing under Condition 12A(d) of a wish to be notified and provided information on the nature and location of the discovery and ~~given~~ grant them the opportunity to conduct karakia and/or other such cultural ceremonies and activities as are appropriate.

## Management Plans

17. The consent holder shall ensure that all capital dredging works comply with the certified DMP (Condition 12) and BMP (Condition 14) at all times. The consent holder shall ensure that:
- a. A copy of this consent is held at all times on any self-propelled barge, or any tug towing a barge, that the Consent Holder has authorised to undertake dredging operations; and
  - b. Personnel directly involved in the exercise of this consent are informed of their obligations and responsibilities in exercising this consent and any contractor(s) have confirmed in writing their acceptance to such obligations and responsibilities.

**[condition 18 has been moved to 22A below with amendments]**

- ~~18. In the event of any accidental release of dredged material while it is being transported in the coastal marine area, the Consent Holder shall notify the Council (Team Leader Compliance Monitoring Central) within 24 hours of:~~
- ~~i. The quantity of dredged material discharged;~~
  - ~~ii. The exact location of the discharge determined by GPS;~~
  - ~~iii. The date, time and duration of the discharge event;~~
  - ~~iv. An explanation of the reasons for the discharge; and~~
  - ~~v. A description of any mitigation measures adopted~~

## Lighting

19. The lighting for all vessels, including barges, associated with the dredging activities shall be inward and downward facing, and minimised as far as practicable, while still complying with any relevant regulations and safety requirements.

## Dredge Depths

20. The consent holder shall ensure that the actual dredged depths are no more than 300mm below the maximum notified depths specified in Table 4-2 below:

**Table 42: Dredge Maximum Notified depths**

<b>Location</b>	<b><u>Stage 1</u> <u>S</u></b>	<b><u>Notified Stage 2</u> <u>Depth</u></b>
Shipping lane – bends	<u>-13.5m CD</u>	-14.2m CD
<u>Shipping lane</u> - straights	<u>-13.5m CD</u>	-14.0m CD
<u>Shipping lane</u> - tapers	<u>-13.5m CD</u>	-14.0m CD
Fergusson approaches	<u>-13.0m CD</u>	-13.5m CD
Fergusson North Berth	<u>-15.2m CD</u>	-15.2m CD

## **Dredging Volume**

21. The total volume of dredged material shall not exceed ~~an~~ the in-situ volumes specified in Table 3: Volumes of 2,500,000 m<sup>3</sup>.

**Table 3: Volumes**

<b><u>Location</u></b>	<b><u>Stage 1</u> <u>S</u></b>	<b><u>Stage 2</u> <u>S</u></b>	<b><u>Total</u></b>
<u>Shipping lane – bends, straights, tapers</u>	<u>680,000m<sup>3</sup></u>	<u>1,570,000m<sup>3</sup></u>	<u>2,250,000m<sup>3</sup></u>
<u>Fergusson approaches</u>	<u>70,000m<sup>3</sup></u>	<u>120,000m<sup>3</sup></u>	<u>190,000m<sup>3</sup></u>
<u>Fergusson North Berth</u>	<u>60, 000m<sup>3</sup></u>	<u>0</u>	<u>60,000m<sup>3</sup></u>
<b><u>Total</u></b>	<u>810,000m<sup>3</sup></u>	<u>1,690,000m<sup>3</sup></u>	<u>2,500,000m<sup>3</sup></u>

## **Dredging Records**

22. ~~For the duration of works on the site, the~~ The consent holder shall keep a record of where dredging ~~occurred~~ occurs, and the amount of material dredged and removed and the method of disposal. An up to date copy of these records shall be kept available for inspection purposes, and a final copy of the record shall be sent to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal), within ten (10) working days following completion of each dredging campaign.

## **Accidental release**

- 22A. In the event of any accidental release of dredged material while it is being transported in the coastal marine area, the Consent Holder shall:
- a. within 24 hours notify the Council (Team Leader Compliance Monitoring Central), MPI Biosecurity New Zealand, any mana whenua that have notified the consent holder in writing under Condition 12A(e) and Protect Our Gulf Inc within 24 hours of:

- i. The quantity of dredged material discharged;
  - ii. The exact location of the discharge determined by GPS;
  - iii. The date, time and duration of the discharge event;
  - iv. An explanation of the reasons for the discharge; and
  - v. A description of any mitigation measures adopted.
- b. Within ten (10) working days notify the Council (Team Leader Compliance Monitoring Central), ~~any mana whenua that have notified the consent holder in writing under Condition 12A(e) and Protect Our Gulf Inc within 24 hours of~~ any mitigation measures adopted to minimize the risk of any future release.

## Water Quality Monitoring

23. The consent holder shall undertake water quality monitoring ~~once~~ twice per week for the first six months ~~whilst dredging is underway of the Stage 1 dredging campaign.~~ Water quality samples shall be collected:
- a. On a day that dredging is occurring;
  - b. At least one hour after dredging has commenced;
  - c. Where once per weekly the samples are collected on ~~On~~ an ebb-tide anytime within:
    - i. the 1.5 hour period before low tide ~~1.5 hours; or~~
    - ii. the 1.5 hour period after high tide ~~and 1.5 hours before low tide (a period of three hours);~~
  - d. And where once per week the samples are collected on an ebb-tide anytime within the mid-tide being the three hour period that starts 1.5 hours after high tide and ends 1.5 hours before low tide;
  - e. from the surface (approximately 0.5 m below the water surface) and ~~above~~ near the seabed (approximately 0.5 m above the seabed) at each of the following sites:
    - i. At an up-drift control site located at least 500m beyond the operations; and
    - ii. At a dilution gradient site 50 m down-drift of the operations aligned approximately along the axis of the channel in line with the dredging activity in the subject area; and
    - iii. At a compliance site 200 m down-drift of the operations aligned along axis of the channel in line with the dredging activity in the subject area.

24. The consent holder shall ensure that the dilution gradient and compliance site samples are representative of the plume generated by the operations (i.e. not collected before the plume has had a chance to develop upon the start of the operations and not after the plume has had a chance to dissipate upon completion of the operations.)
25. A photographic record of each sampling location shall be collected as part of the ~~weekly sampling described in~~ required by Condition 29 23 in the manner described in Condition 29. ~~The photograph shall document the sea state and conditions of the day along with any visible discoloration of water arising from dredging activity. A written record shall be maintained of environmental conditions at the time of sampling along with any observations of dredging activity occurring at the time.~~
26. The consent holder shall have the samples analysed for turbidity and total suspended solid (TSS) concentration.
27. In the event the TSS at the compliance site exceeds 25g/m<sup>3</sup> above TSS at the control site (for the same position in the water column for both samples i.e. comparing top samples with top samples and bottom samples with bottom samples), the consent holder shall implement the contingency measures identified in the certified DMP. These shall include further monitoring measures in the first instance or a site-specific effects assessment, and practical modifications to the relevant activities where further monitoring identifies repeated exceedances. Such modifications may include suspending or altering the dredging approach or reducing production rates.

The consent holder shall provide details of any contingency measures implemented in accordance with this condition to Council (Team Leader Compliance Monitoring Central) no later than five (5) working days after the exceedance occurs.

28. Within ten (10) working days of the completion of all water quality sampling required by Condition 23, the consent holder shall summarise and submit the results and the photographic record required by Condition 29 to Council (Team Leader Compliance Monitoring Central) along with information concerning:
- a. The relationship between TSS and turbidity in the samples collected.
  - b. The relationship between up-stream and downstream data.
  - c. Recommendations for on-going monitoring and reporting for the balance of the duration of the consent.

28A Within five (5) working days of receiving any request in writing from Protect Our Gulf Inc, the consent holder shall provide a copy of the information submitted to Council and mana whenua under condition 28 to Protect Our Gulf Inc.

## **Visual Suspended Sediment Monitoring**

29. The consent holder shall take and maintain a photographic record of the dredging operations ~~once twice~~ per week for the first six months whilst dredging is underway of the Stage 1 dredging campaign. ~~The photographs shall be taken in the same manner as set out in Condition 25 and the detailed arrangements shall be set out in the DMP and shall include:~~
- a. The photographs being taken from an elevated vantage point within one (1) hour of the samples being collected under Condition 23;

- b. The photographs showing the full extent of any visible plume or water discolouration;
- c. Documenting the date and time, sea state conditions, and the approximate extent of the noticeable sediment plume.

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

## **Ecological Monitoring**

- 30. The consent holder shall collect video transects at the following four (4) geo-referenced locations within the channel to describe and monitor the recolonisation of the dredged seabed:
  - a. within the south-bend (6,500m distance identified on Figure A.2 of the Consent);
  - b. within the central fairway (~~8,000m~~ 7,000m-distance identified on Figure A.2 of the Consent);
  - c. within the north bend (9,500m distance identified on Figure A.2 of the Consent); and
  - d. within the northern fairway (13,500m distance identified on Figure A.2 of the Consent).

The videos footage shall be recorded ~~at~~ along three 100m long transects perpendicular to the direction of vessel passage at each of the four locations identified in this Condition.

- 31. The videos footage required by Condition 30 shall be collected at the following periods:
  - a. Prior to the commencement of any capital dredging works;
  - b. Following the completion of dredging from Stage 1;
  - c. Prior to the commencement of dredging works for Stage 2;
  - d. Following the completion of the capital dredging for Stage 2;
  - e. Two (2) years following the completion of the capital dredging under Stage 2; and
  - f. Five (5) years following the completion of the capital dredging under Stage 2.
- 32. The consent holder shall have the recorded video footage and ~~images~~ still imagery shall be examined by a suitably qualified expert to identify key epifauna and shell cover and living biogenic structure at 5-metre intervals for a minimum of 20 observations along each 100m transect, with 20 observations per transect for the purpose of preparing a summary of the observations. The summary of the observations shall be completed within ninety (90) working days of the video transects footage being collected and shall

be retained by the consent holder. ~~Provide to the Team Leader Compliance Monitoring Central upon request.~~

33. Should any new non-indigenous marine species or unwanted organism (as defined under the Biosecurity Act 1993) be identified in the videos required by Condition 30 during the examination required by Condition 32, the consent holder shall notify the Council (Team Leader Compliance Monitoring Central), and MPI (Biosecurity New Zealand) within 48 hours, ~~and provide a summary of the observations and associated video surveys to the Council upon request.~~
34. Within five (5) working days of the completion of ~~each of the video surveys required by Conditions 30 and 31~~, the consent holder shall ~~provide a~~ the summary of the observations of the video surveys (as required by Condition 32), ~~the consent holder shall provide the summary~~ to Council (Team Leader Compliance Monitoring Central) for written certification ~~and to Protect Our Gulf Inc.~~

### **Habitat Establishment**

- 34A Within the limits of the permitted activity in Rule F2.19.2(A7) of the Auckland Unitary Plan, the consent holder shall deposit shell and/or rock removed from the Rangitoto Channel in area(s) either adjacent to or within the Rangitoto Channel to encourage the re-establishment of habitat or provide it to Revive Our Gulf for use in other areas as enabled by its separate consent. The consent holder shall identify suitable area(s) in consultation with Revive Our Gulf Inc and Protect Our Gulf Inc. The consent holder shall collect video footage and/or still imagery after one (1), two (2), three (3) and five (5) years after deposition in the area(s). A summary of observations will be prepared by a suitably qualified expert and provided to Protect Our Gulf Inc within three (3) months of each survey.

## **Post-Development Completion Conditions**

### **Monitoring**

35. ~~Within twenty (20) working days of completion of each dredging campaign, the consent holder shall submit a copy of the photographic record required by Condition 29 to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader – Coastal).~~
36. Within ten (10) working days of the completion of the summary of the observations of the video surveys required by Conditions 30 and 31(d) and (f), the consent holder shall submit to Council (Team Leader Compliance Monitoring Central) a report describing the ecological changes that have occurred following dredging, including recommendations as to whether a further survey is required. The report shall identify any changes in percentage shell cover, percentage cover of living biogenic structure and changes in key taxa and community type. The consent holder shall provide a copy of the report to Protect Our Gulf Inc within five (5) working days of submitting it to Council.

### **Completion of Capital Dredging Works**

37. Within twenty (20) working days following the completion of each capital dredging campaign or at the request of Council, the consent holder shall submit to Council

(Team Leader Compliance Monitoring Central) a record of the extent of the changes to the seabed over the area(s) subject to the capital dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum. The consent holder shall provide a copy of the record to Protect Our Gulf Inc within five (5) working days of submitting it to Council.

### **Completion of Capital Dredging Works - Notification to the Hydrographic Authority and Auckland Council**

38. Within twenty (20) working days of the completion of each capital dredging campaign, the consent holder shall submit to New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)) information on the extent of the bathymetrical changes to the seabed over the area(s) subject to the capital dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum. A copy of this notification shall be forwarded to the Council (Team Leader Compliance Monitoring Central) within the same time frames.

### **Review Conditions**

39. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to Section 129 of the Act, in one or more of the following times:
- a. Within one year of commencing ~~the~~ a dredging campaign;
  - b. And/or at five yearly intervals after that time:
  - i. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent.
  - ii. To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment from the generation of unacceptable sediment plumes.
  - iii. To alter monitoring requirements as a result of ongoing monitoring.
40. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to section 129 of the Act, within 6 months from the date the Council (Team Leader Compliance Monitoring Central) is notified of:
- a. The granting of a customary marine title or protected customary right or the vesting of ownership over any part of the common marine and coastal area ~~encompassing the project area~~ within the Waitemata Navigation Channel or Port Precinct; and/or

- b. The outcome of any Treaty negotiations involving the Waitematā Harbour to deal with any adverse effect(s) on the environment in respect of mana whenua engagement, accidental discovery protocols, dredging management, biosecurity management, contaminant management, water quality monitoring, suspended sediment monitoring, and ecological monitoring.

**Advice Note:**

*It is acknowledged that Te Tiriti o Waitangi/The Treaty of Waitangi underpins the relationship between Mana Whenua and the Crown. Inherent in this are (amongst other things) the principles of partnership, reciprocity, active protection and equity. Importantly, the principle of partnership is endorsed by the concept of good faith. Those principles are acknowledged in the Local Government Act 2002.*

*The consent holder acknowledges that the Waitematā is of extremely high spiritual, ancestral, cultural, customary and historical importance to Mana Whenua.*

## **Advice notes**

1. *This consent is to be read in conjunction with any other relevant approved resource consents and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consents that have been implemented.*
2. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
3. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
4. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
5. *If you disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to section 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of council invoice (for s357B).*
6. *The consent holder is responsible for obtaining all other necessary consents, permits, and licenses' including any additional resource consents that may be required from the Waikato Regional Council. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law.*



7. *The council acknowledges that the Dredging Management Plan, Biosecurity Management Plan and Maintenance Dredging Management Plan are intended to provide flexibility both for the consent holder and the council for the management of the capital and dredging works. Accordingly, the Management Plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
8. *Certification of the Dredging Management Plan, Biosecurity Management Plan and Maintenance Dredging Management Plan by the council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.*
9. *The consent holder shall ensure that all noise generated from dredging activities on the subject site are managed in such a way that they will comply with standards E25.6.14 of the Auckland Unitary Plan, relating to Noise levels at the coastal interface, at all times. Any non-compliance with this standard is a restricted discretionary activity and will require a separate resource consent.*
10. *The development involves dredging works located within the identified Hauraki Gulf Cable Protection Area. In the event that any submarine services or infrastructure cables are encountered during the dredging, the consent holder shall be responsible for advising and ensuring that any necessary approvals are obtained from the relevant service provider.*

## APPENDIX B

### AMENDMENTS TO CONDITIONS IN CLEAN

#### Coastal and discharge permit CST60348302 (capital works dredging)

##### General conditions

##### Development in accordance with application reports and plans

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number CST60348302:
  - Application Form and Assessment of Environmental Effects prepared by Bentley & Co, dated October 2019;
  - Further information prepared by Bentley & Co, dated 18 November 2019, 2 March 2020 and 5 March 2020.

Report title and reference	Author	Rev	Dated
Coastal Processes Assessment Report, Rangitoto Channel Shipping Lane Deepening	Beca	5	25/10/2019
Rangitoto Channel Capital Works Dredging Environmental Assessment	Kennedy Environmental Limited	4	25/10/2019
Quality of sediments in the Waitemata Navigation Channel Precinct (Rangitoto Channel and Fergusson North berth and approaches)	Kennedy Environmental Limited	3	07/02/2020
Ports of Auckland Dredging Campaign, Navigational Risk Assessment	Navigatus Consulting	0.3	17/09/2019
Waitemata Navigation Channel Dredging Noise Assessment	Marshall Day Acoustics	-	24/10/2019
Cultural Values Assessment	Ngaati Whanaunga Incorporated Society	-	July 2019
Drawing title and reference	Author	Rev	Dated
Figure A.3 Proposed Shipping Lane Layout	Beca	-	-
Figure A.4 Proposed Shipping Lane - Channel Cross Sections	Beca	-	-
Figure A.5 Pre and Post Dredging Cross Section	Beca	-	-

##### Lapse/Duration

2. Under section 125 of the RMA, this consent lapses five years after commencement unless:

- a. The consent is given effect to; or
- b. The council extends the period after which the consent lapses under section 125(1A)(b).

**Advice Note:**

*The capital dredging works are intended to be completed in two stages. The capital dredging permit will be given effect to upon the commencement of Stage 1.*

3. The permit to undertake capital dredging activities under CST60348302 shall expire on 6 August 2035 (15 years from decision date), unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

**Dredging Methodology**

4. The consent holder shall ensure the dredging is carried out using a mechanical excavator and that there is no blasting.

**Timing restrictions**

5. Except for dredging activities within the Port Precinct, dredging shall not be undertaken west of a line between North Head and Bastion Point during the nighttime period (2200 – 0700).

**Advice note:**

*A restriction on dredging works at night (10pm – 7am) is to ensure that the nighttime noise limits specified in AUP (OP) E25.6.14 are met at all times.*

6. No dredging shall occur during:
  - a. Any racing events under an America's Cup regatta hosted in the vicinity of the Waitemata Navigation Channel Precinct and/or Port Precinct;
  - b. Public holidays; and
  - c. Auckland Anniversary Weekend.
7. No dredging within Area D (coloured green in Figure 1 below) shall occur during the Summer peak period (defined as the period between 1 December and Easter Monday inclusive) between the hours of 7am and 10am on weekdays.

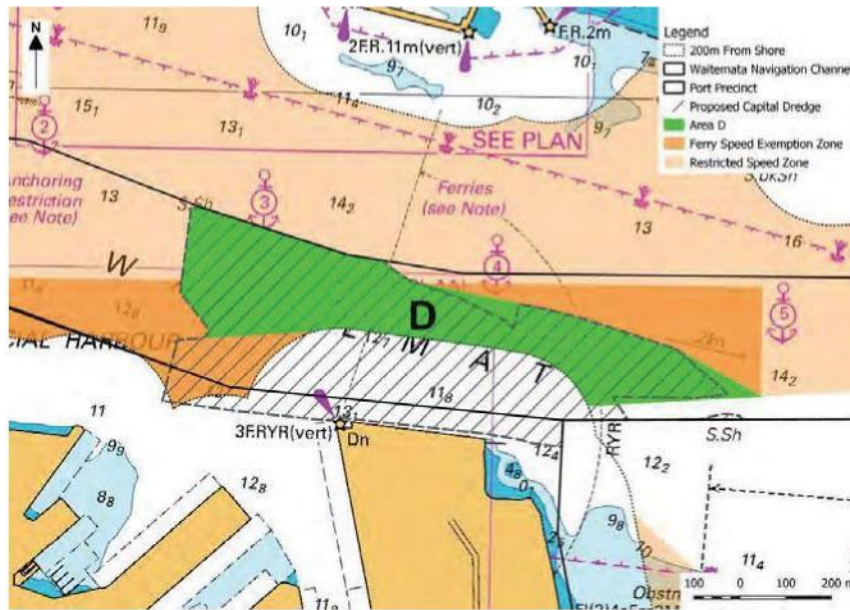


Figure 1: Extent of “Area D” (coloured green)

## Public Access

8. The consent holder shall ensure that public access to and within the coastal marine area shall be maintained while the capital dredging activity is undertaken, except where it is necessary to exclude the public for health and safety reasons. Public access shall be maintained to the satisfaction of Council (Team Leader Compliance Monitoring Central in consultation with the Harbourmaster).

## Monitoring

9. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

### **Advice note:**

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## Subsequent Charges

10. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

## Notification of works commencing

11. At least ten (10) working days prior to the commencement of each 'dredging campaign', the consent holder shall provide notification of the proposed dredging commencement date in writing to the following:
  - a. The Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal) - (Auckland Council, P.O. Box 92300, Victoria Street West, Auckland 1142 or [coastal.monitoring@aucklandcouncil.govt.nz](mailto:coastal.monitoring@aucklandcouncil.govt.nz)).
  - b. Maritime New Zealand (P.O. Box 27006, Wellington 6041).
  - c. Auckland Harbour Master (Auckland Transport Harbour Masters Office, Private Bag 92250, Auckland, 1142 or [HarbourMaster@aucklandtransport.govt.nz](mailto:HarbourMaster@aucklandtransport.govt.nz))
  - d. New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)).
  - e. All mana whenua who have advised the consent holder in writing of a wish to be notified of commencement of works in accordance with Condition 12.
  - f. Protect our Gulf Inc.

### **Advice Note:**

*A 'dredging campaign' is Stage 1 or Stage 2.*

## Pre-commencement conditions

### Notification to mana whenua specified in Table 1

12. At least ninety (90) working days prior to the commencement of each 'dredging campaign', the consent holder shall provide notification in writing to the mana whenua listed in Table 1 of the opportunity for mana whenua to request in writing:
  - a. to be notified of the commencement of each 'dredging campaign' and provided the opportunity to conduct karakia and/or other such cultural ceremonies and activities, in accordance with condition 11(e);
  - b. an opportunity to review and comment on the draft Dredging Management Plan, in accordance with condition 13;
  - c. to receive a copy of the certified Dredging Management Plan prior to the commencement of any dredging campaign;
  - d. to receive a copy of the certified BMP prior to the commencement of any dredging campaign;
  - e. to be notified of any discovery containing koiwi, archaeology or artefacts of Māori origin, and provided information on the nature and location of the discovery and given the opportunity to conduct karakia and/or other such cultural ceremonies and activities as are appropriate, in accordance with condition 20;
  - f. to receive notification of any accidental release of dredged material while it is being transported in the coastal marine area, in accordance with condition 26; and/or
  - g. to receive a summary of the water quality sampling required by condition 27;
  - h. to receive details of any contingency measures implemented in accordance with condition 31;

- i. to receive notification of any noticeable sediment plume in accordance with condition 34;
- j. to receive a summary of the observations of the video footage (as required by Condition 37), in accordance with condition 39.
- k. to receive the report describing the ecological changes that have occurred following dredging, in accordance with condition 41.

A copy of any written notice received by the consent holder shall be forwarded to the Council (Team Leader Compliance Monitoring Central).

In the event any mana whenua listed in Table 1 advise the consent holder in writing of a wish to receive the information or notification(s) referred to in (e) – (i) above, the consent holder shall provide the mana whenua with the information or notification at the same time as it is provided to the Council (Team Leader Compliance Monitoring Central).

**Table 1: Mana whenua to be notified in accordance with Condition 12**

Ngāi Tai ki Tāmaki
Ngāti Kawau te Kotuku
Ngāti Kuri
Ngāti Maru
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngati Rehua Ngatiwai Ki Aotea
Ngāti Te Ata
Ngaati Whanaunga
Ngāti Whātua Ōrākei
Te Ahiwaru - Waiohū
Te Uri o Te Aho
Te Waiariki Korora nga Hapū o Ngāpuhi-Nui-Tonu

*Advice Note:*

*As at the date of commencement, Ngati Paoa Iwi Trust, Ngati Paoa Trust Board, Ngati Whatua Orakei Trust and Ngati Rehua Ngatiwai Ki Aotea have advised the consent holder in writing of a wish to receive the information, notifications and opportunities referenced in this condition. No further notification is required to those mana whenua nor response from them in order for them to receive the information, notifications and opportunities referenced in this condition.*

## **Dredging Management Plan**

13. In the event any mana whenua listed in Table 1 advise the consent holder in writing within twenty (20) working days of receipt of the letter sent in accordance with condition 12 of a wish to be consulted on the draft Dredging Management Plan (DMP) prior to its lodgement with the Council, the consent holder shall provide mana whenua with a minimum of twenty (20) working days to review and comment on the draft DMP.
14. At least twenty (20) working days prior to the start of Stage 1 of the capital

dredging works within the coastal marine area, the consent holder shall submit for certification a Dredging Management Plan (DMP) to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal). The DMP shall be prepared by an appropriately qualified specialist and must contain the following:

- a. confirmation of the dredging campaign programme;
- b. a schedule for reporting to the Council (Team Leader Compliance Monitoring Central) on the total volume of removed material associated with each dredging campaign for the calendar year;
- c. a schedule for notifying the Harbourmaster's office about dredging operations;
- d. details of how dredging operations will be managed;
- e. operating procedures for dredging operations for interfacing with other harbour users including piloted ships, ferries and Royal New Zealand Navy vessels;
- f. procedures to ensure priority is provided to commercial transport ships over dredging vessels;
- g. details of the dredging methodology (by mechanical excavator);
- h. methods to minimise the release of sediment during dredging operations (including the transportation of dredged material within the coastal marine area), including confirmation that any transfer vessel is fit for purpose (including but not limited to vessel gunwales high enough relative to the height of sediment to prevent sediment spillage over the side and that no water (either bilge or ocean) discharges from the hopper to the sea during transfers) and monitoring of the sediment plume required under Condition 27 and monitoring of suspended sediment required under Condition 34;
- i. contingency measures to be implemented should any new non-indigenous marine species or unwanted organism (as defined under the Biosecurity Act 1993) be identified;
- j. contingency measures to be implemented where required under Condition 31;
- k. confirmation of the disposal site for the dredged material, noting what resource consent or other permit approves the disposal, and compliance with any conditions regarding volume, contaminants or marine biosecurity risks;
- l. the consultation undertaken by the Consent Holder with mana whenua in accordance with condition 12 to develop the DMP, including any feedback received from mana whenua, any measures that will be adopted based on this consultation and in the event any requested measures are not adopted the reasons why.

No capital dredging works shall commence until certification is provided from the Council that the DMP satisfactorily meets the requirements of this condition, and that any required information and measures referred to in the DMP have been provided and/or put in place prior to the commencement of, or as part of, the dredging works.

In the event the dredged material is to be disposed in reliance on EPA permit EEZ400011, the information required under condition 14(j) must include a copy of the most recent

Sampling Results provided under Condition 7 of that permit including sediment characterization, contaminant levels and biosecurity risk.

**Advice Note:**

*“Transfer vessel” is any vessel used to transfer dredged material from the dredge site to its disposal location.*

15. The DMP required by Condition 14 may be submitted in parts or in stages to address changes to the detail of the DMP or to reflect the staged implementation of the capital works dredging. When provided in part or for a stage, the DMP shall be submitted to Council (Team Leader Compliance Monitoring Central for certification in conjunction with Team Leader - Coastal) at least twenty (20) working days prior to commencement of that stage of the works.
16. The consent holder shall provide a copy of the certified DMP to Protect our Gulf Inc prior to the start of Stage 1 of the capital dredging works and, in the event it is subsequently amended, any amended DMP within 5 working days of it being certified.

**Biosecurity Management Plan**

17. At least forty (40) working days prior to the start of Stage 1 of the capital dredging works the consent holder shall submit to Council for certification (Team Leader Compliance Monitoring Central in conjunction with Team Leader – Coastal and Team Leader - Biosecurity) a Biosecurity Management Plan (BMP). The BMP shall include the following:
  - a. Information regarding the vessels to be used for dredging operations.
  - b. Briefing of the contractor(s) about terrestrial biosecurity risks.
  - c. A requirement that no terrestrial animals are to be brought on board any vessel.
  - d. The installation and maintenance of rodent and ant traps on board any tow vessels, servicing vessels and barges.
  - e. Inspections of vessels and barges on a weekly basis for indication of insect infestation, rodent droppings or visible evidence of any other terrestrial pest species.
  - f. Procedures for notifying Council (Biosecurity Team officers) if terrestrial pest species are observed.
  - g. Allowance for Auckland Council biosecurity dog checks for specific pests as and when requested by the Council.
  - h. Methods to avoid the transfer and/or spread of non-indigenous marine species during transportation;
  - i. Procedures to be followed in the event of any accidental release of dredged material from a transfer vessel including an assessment of effects and, if required, appropriate action(s) to remedy or mitigate effects.



All works shall comply with the certified BMP at all times, and no dredging works shall commence until confirmation is provided from the Council that the BMP satisfactorily meets the certified requirements above and that any required measures referred to in the BMP have been put in place prior to the commencement of works.

18. The consent holder shall provide a copy of the certified BMP to Protect our Gulf Inc prior to the start of Stage 1 of the capital dredging works and, in the event it is subsequently amended, any amended BMP within 5 working days of it being certified.

## **Navigation and Safety**

19. At least forty (40) working days prior to the start of any dredging campaign, the consent holder shall request that the Harbourmaster issue:

- a. A single generic temporary Notice to Mariners advising mariners of the overall dredging campaign and associated barge and tow operations to, from and at any disposal area.
- b. Local Notices to Mariners as the campaign stops and starts to notify local mariners of where the dredge will be operating, within the overall campaign area and advising of any special precautions that mariners should take.

A copy of the request to the Harbourmaster required under this condition shall be forwarded to the Council (Team Leader Compliance Monitoring Central) and to the equivalent person at Waikato Regional Council.

## **Works in progress conditions**

### **Accidental Discovery Protocol**

20. If, at any time during the dredging works, the discovery of sensitive material is discovered, the standards and procedures of Rule F2.21.1.4 of the Auckland Unitary Plan (Operative in part) as amended by Plan Change 15 shall apply.

In addition to the requirements of Rule F2.21.1.4, if the discovery contains koiwi, archaeology or artefacts of Māori origin, the consent holder shall notify representatives from any mana whenua that have notified the consent holder in writing under Condition 12(e) of a wish to be notified and provided information on the nature and location of the discovery and grant them the opportunity to conduct karakia and/or other such cultural ceremonies and activities as are appropriate.

### **Management Plans**

21. The consent holder shall ensure that all capital dredging works comply with the certified DMP (Condition 14) and BMP (Condition 17) at all times. The consent holder shall ensure that:
  - a. A copy of this consent is held at all times on any self-propelled barge, or any tug towing a barge, that the Consent Holder has authorised to undertake dredging operations; and

- b. Personnel directly involved in the exercise of this consent are informed of their obligations and responsibilities in exercising this consent and any contractor(s) have confirmed in writing their acceptance to such obligations and responsibilities.

## Lighting

22. The lighting for all vessels, including barges, associated with the dredging activities shall be inward and downward facing, and minimised as far as practicable, while still complying with any relevant regulations and safety requirements.

## Dredge Depths

23. The consent holder shall ensure that the actual dredged depths are no more than 300mm below the maximum notified depths specified in Table 2 below:

**Table 2: Maximum Notified depths**

Location	Stage 1	Stage 2
Shipping lane – bends	-13.5m CD	-14.2m CD
Shipping lane - straights	-13.5m CD	-14.0m CD
Shipping lane - tapers	-13.5m CD	-14.0m CD
Fergusson approaches	-13.0m CD	-13.5m CD
Fergusson North Berth	-15.2m CD	-15.2m CD

## Dredging Volume

24. The total volume of dredged material shall not exceed the in-situ volumes specified in Table 3: Volumes.

**Table 3: Volumes**

Location	Stage 1	Stage 2	Total
Shipping lane – bends, straights, tapers	680,000m <sup>3</sup>	1,570,000m <sup>3</sup>	2,250,000m <sup>3</sup>
Fergusson approaches	70,000m <sup>3</sup>	120,000m <sup>3</sup>	190,000m <sup>3</sup>
Fergusson North Berth	60, 000m <sup>3</sup>	0	60,000m <sup>3</sup>
<b>Total</b>	810,000m <sup>3</sup>	1,690,000m <sup>3</sup>	2,500,000m <sup>3</sup>

## Dredging Records

25. The consent holder shall keep a record of where dredging occurs, the amount of material dredged and removed and the method of disposal. An up to date copy of these records shall be kept available for inspection purposes, and a final copy of the record shall be sent

to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal), within ten (10) working days following completion of each dredging campaign.

## **Accidental release**

26. In the event of any accidental release of dredged material while it is being transported in the coastal marine area, the Consent Holder shall:
- a. within 24 hours notify the Council (Team Leader Compliance Monitoring Central), MPI Biosecurity New Zealand, any mana whenua that have notified the consent holder in writing under Condition 12(f) and Protect Our Gulf Inc of:
    - i. The quantity of dredged material discharged;
    - ii. The exact location of the discharge determined by GPS;
    - iii. The date, time and duration of the discharge event;
    - iv. An explanation of the reasons for the discharge; and
    - v. A description of any mitigation measures adopted.
  - b. Within ten (10) working days notify the Council (Team Leader Compliance Monitoring Central), any mana whenua that have notified the consent holder in writing under Condition 12(f) and Protect Our Gulf Inc of any mitigation measures adopted to minimize the risk of any future release.

## **Water Quality Monitoring**

27. The consent holder shall undertake water quality monitoring twice per week for the first six months of the Stage 1 dredging campaign. Water quality samples shall be collected:
- a. On a day that dredging is occurring;
  - b. At least one hour after dredging has commenced;
  - c. Where once per week the samples are collected on an ebb-tide anytime within:
    - i. the 1.5 hour period before low tide; or
    - ii. the 1.5 hour period after high tide
  - d. And where once per week the samples are collected on an ebb-tide anytime within the mid-tide being the three hour period that starts 1.5 hours after high tide and ends 1.5 hours before low tide;
  - e. from the surface (approximately 0.5 m below the water surface) and near the seabed (approximately 0.5 m above the seabed) at each of the following sites:
    - i. At an up-drift control site located at least 500m beyond the operations; and

- ii. At a dilution gradient site 50 m down-drift of the operations aligned approximately along the axis of the channel in line with the dredging activity in the subject area; and
  - iii. At a compliance site 200 m down-drift of the operations aligned along axis of the channel in line with the dredging activity in the subject area.
- 28. The consent holder shall ensure that the dilution gradient and compliance sitesamples are representative of the plume generated by the operations (i.e. not collected before the plume has had a chance to develop upon the start of the operations and not after the plume has had a chance to dissipate upon completion of the operations.)
- 29. A photographic record of each sampling location shall be collected as part of the sampling required by Condition 27 in the manner described in Condition 34.
- 30. The consent holder shall have the samples analysed for turbidity and total suspended solid (TSS) concentration.
- 31. In the event the TSS at the compliance site exceeds 25g/m<sup>3</sup> above TSS at the control site (for the same position in the water column for both samples i.e. comparing top samples with top samples and bottom samples with bottom samples), the consent holder shall implement the contingency measures identified in the certified DMP. These shall include further monitoring measures in the first instance or a site-specific effects assessment, and practical modifications to the relevant activities where further monitoring identifies repeated exceedances. Such modifications may include suspending or altering the dredging approach or reducing production rates.

The consent holder shall provide details of any contingency measures implemented in accordance with this condition to Council (Team Leader Compliance Monitoring Central) no later than five (5) working days after the exceedance occurs.
- 32. Within ten (10) working days of the completion of all water quality sampling required by Condition 27, the consent holder shall summarise and submit the results and the photographic record required by Condition 34 to Council (Team Leader Compliance Monitoring Central) along with information concerning:
  - a. The relationship between TSS and turbidity in the samples collected.
  - b. The relationship between up-stream and downstream data.
  - c. Recommendations for on-going monitoring and reporting for the balance of the duration of the consent.
- 33. Within five (5) working days of receiving any request in writing from Protect Our Gulf Inc, the consent holder shall provide a copy of the information submitted to Council and mana whenua under condition 32 to Protect Our Gulf Inc.

## **Visual Suspended Sediment Monitoring**

34. The consent holder shall take and maintain a photographic record of the dredging operations twice per week for the first six months of the Stage 1 dredging campaign. The detailed arrangements shall be set out in the DMP and shall include:
- a. The photographs being taken from an elevated vantage point within one (1) hour of the samples being collected under Condition 27;
  - b. The photographs showing the full extent of any visible plume or water discolouration;
  - c. Documenting the date and time, sea state conditions, and the approximate extent of the noticeable sediment plume.

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

## **Ecological Monitoring**

35. The consent holder shall collect video transects at the following four (4) geo-referenced locations within the channel to describe and monitor the recolonisation of the dredged seabed:
- a. within the south-bend (6,500m distance identified on Figure A.2 of the Consent);
  - b. within the central fairway (7,000m distance identified on Figure A.2 of the Consent);
  - c. within the north bend (9,500m distance identified on Figure A.2 of the Consent); and
  - d. within the northern fairway (13,500m distance identified on Figure A.2 of the Consent).

The video footage shall be recorded along three 100m long transects perpendicular to the direction of vessel passage at each of the four locations identified in this Condition.

36. The video footage required by Condition 35 shall be collected at the following periods:
- a. Prior to the commencement of any capital dredging works;
  - b. Following the completion of dredging from Stage 1;
  - c. Prior to the commencement of dredging works for Stage 2;
  - d. Following the completion of the capital dredging for Stage 2;
  - e. Two (2) years following the completion of the capital dredging under Stage 2; and
  - f. Five (5) years following the completion of the capital dredging under Stage 2.

37. The consent holder shall have the recorded video footage and still imagery examined by a suitably qualified expert to identify key epifauna-shell cover and living biogenic structure for a minimum of 20 observations along each 100m transect for the purpose of preparing a summary of the observations. The summary of the observations shall be completed within ninety (90) working days of the video ~~transects~~ footage being collected and shall be retained by the consent holder.
38. Should any new non-indigenous marine species or unwanted organism (as defined under the Biosecurity Act 1993) be identified in the videos required by Condition 35 during the examination required by Condition 37, the consent holder shall notify the Council (Team Leader Compliance Monitoring Central), and MPI (Biosecurity New Zealand) within 48 hours.
39. Within five (5) working days of the completion of the summary of the observations of the video surveys (as required by Condition 37), the consent holder shall provide the summary to Council (Team Leader Compliance Monitoring Central) for written certification and to Protect Our Gulf Inc.

## **Habitat Establishment**

40. Within the limits of the permitted activity in Rule F2.19.2(A7) of the Auckland Unitary Plan, the consent holder shall deposit shell and/or rock removed from the Rangitoto Channel in area(s) either adjacent to or within the Rangitoto Channel to encourage the re-establishment of habitat or provide it to Revive Our Gulf for use in other areas as enabled by its separate consent. The consent holder shall identify suitable area(s) in consultation with Revive Our Gulf Inc and Protect Our Gulf Inc. The consent holder shall collect video footage and/or still imagery after one (1), two (2), three (3) and five (5) years after deposition in the area(s). A summary of observations will be prepared by a suitably qualified expert and provided to Protect Our Gulf Inc within three (3) months of each survey.

## **Post- Completion Conditions**

### **Monitoring**

41. Within ten (10) working days of the completion of the summary of the observations of the video surveys required by Condition 36(d) and (f), the consent holder shall submit to Council (Team Leader Compliance Monitoring Central) a report describing the ecological changes that have occurred following dredging, including recommendations as to whether a further survey is required. The report shall identify any changes in percentage shell cover, percentage cover of living biogenic structure and changes in key taxa and community type. The consent holder shall provide a copy of the report to Protect Our Gulf Inc within five (5) working days of submitting it to Council.

### **Completion of Capital Dredging Works**

42. Within twenty (20) working days following the completion of each capital dredging campaign or at the request of Council, the consent holder shall submit to Council (Team Leader Compliance Monitoring Central) a record of the extent of the changes to the seabed over the area(s) subject to the capital dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum. The consent holder shall provide a copy of the record to Protect Our Gulf Inc within five (5) working days of submitting it to Council.

## **Completion of Capital Dredging Works - Notification to the Hydrographic Authority and Auckland Council**

43. Within twenty (20) working days of the completion of each capital dredging campaign, the consent holder shall submit to New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz) information on the extent of the bathymetrical changes to the seabed over the area(s) subject to the capital dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum. A copy of this notification shall be forwarded to the Council (Team Leader Compliance Monitoring Central) within the same time frames.

### **Review Conditions**

44. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to Section 129 of the Act, in one or more of the following times:
- a. Within one year of commencing a dredging campaign;
  - b. And/or at five yearly intervals after that time:
    - i. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent.
    - ii. To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment from the generation of unacceptable sediment plumes.
    - iii. To alter monitoring requirements as a result of ongoing monitoring.
45. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to section 129 of the Act, within 6 months from the date the Council (Team Leader Compliance Monitoring Central) is notified of:
- a. The granting of a customary marine title or protected customary right or the vesting of ownership over any part of the common marine and coastal area within the Waitemata Navigation Channel or Port Precinct; and/or
  - b. The outcome of any Treaty negotiations involving the Waitematā Harbour
- to deal with any adverse effect(s) on the environment in respect of mana whenua engagement, accidental discovery protocols, dredging management, biosecurity management, contaminant management, water quality monitoring, suspended sediment monitoring, and ecological monitoring.

### **Advice Note:**

*It is acknowledged that Te Tiriti o Waitangi/The Treaty of Waitangi underpins the relationship between Mana Whenua and the Crown. Inherent in this are (amongst other things) the principles of partnership, reciprocity, active protection and equity. Importantly, the principle of*

*partnership is endorsed by the concept of good faith. Those principles are acknowledged in the Local Government Act 2002.*

*The consent holder acknowledges that the Waitematā is of extremely high spiritual, ancestral, cultural, customary and historical importance to Mana Whenua.*

## **Advice notes**

1. *This consent is to be read in conjunction with any other relevant approved resource consents and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consents that have been implemented.*
2. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
3. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
4. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
5. *If you disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to section 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of council invoice (for s357B).*
6. *The consent holder is responsible for obtaining all other necessary consents, permits, and licenses' including any additional resource consents that may be required from the Waikato Regional Council. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law.*
7. *The council acknowledges that the Dredging Management Plan, Biosecurity Management Plan and Maintenance Dredging Management Plan are intended to provide flexibility both for the consent holder and the council for the management of the capital and dredging works. Accordingly, the Management Plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
8. *Certification of the Dredging Management Plan, Biosecurity Management Plan and Maintenance Dredging Management Plan by the council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited*



*to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.*

- 9. The consent holder shall ensure that all noise generated from dredging activities on the subject site are managed in such a way that they will comply with standards E25.6.14 of the Auckland Unitary Plan, relating to Noise levels at the coastal interface, at all times. Any non-compliance with this standard is a restricted discretionary activity and will require a separate resource consent.*

*The development involves dredging works located within the identified Hauraki Gulf Cable Protection Area. In the event that any submarine services or infrastructure cables are encountered during the dredging, the consent holder shall be responsible for advising and ensuring that any necessary approvals are obtained from the relevant service provider.*

## APPENDIX C

### MAINTENANCE DREDGING CONDITIONS (REMAINING UNCHANGED)

#### Coastal and discharge permit CST60348751 (maintenance dredging)

#### General conditions

##### Development in accordance with application reports and plans

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent number CST60348751:
  - Application Form and Assessment of Environmental Effects prepared by Bentley & Co, dated October 2019;
  - Further information prepared by Bentley & Co, dated 18 November 2019, 2 March 2020 and 5 March 2020.

Report title and reference	Author	Rev	Dated
Coastal Processes Assessment Report, Rangitoto Channel Shipping Lane Deepening	Beca	5	25/10/2019
Rangitoto Channel Capital Works Dredging Environmental Assessment	Kennedy Environmental Limited	4	25/10/2019
Quality of sediments in the Waitemata Navigation Channel Precinct (Rangitoto Channel and Fergusson North berth and approaches)	Kennedy Environmental Limited	3	07/02/2020
Ports of Auckland Dredging Campaign, Navigational Risk Assessment	Navigatus Consulting	0.3	17/09/2019
Waitemata Navigation Channel Dredging Noise Assessment	Marshall Day Acoustics	-	24/10/2019
Cultural Values Assessment	Ngaati Whanaunga Incorporated Society	-	July 2019
Drawing title and reference	Author	Rev	Dated
Figure A.3 Proposed Shipping Lane Layout	Beca	-	-
Figure A.4 Proposed Shipping Lane - Channel Cross Sections	Beca	-	-
Figure A.5 Pre and Post Dredging Cross Section	Beca	-	-

## **Commencement of Consent**

2. This maintenance dredging consent shall not commence until the completion of the Stage One capital dredging works authorised under Coastal and discharge permit CST60348302. The Consent Holder shall notify the Council (Team Leader Compliance Monitoring Central) within five working days of the condition 38 notification, that the maintenance dredging consent has commenced.

## **Lapse/Duration**

3. Under section 125 of the RMA, this consent lapses ten years after commencement unless:
  - a. The consents are given effect to; or
  - b. The council extends the period after which the consents lapse.
4. The permit to undertake maintenance dredging activities under CST60348751 shall expire on 6 August 2055 (35 years from decision date), unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

## **Dredging Methodology**

5. The consent holder shall ensure the dredging is carried out using a mechanical excavator and that there is no blasting.

## **Timing restrictions**

6. Except for dredging activities within the Port Precinct, dredging shall not be undertaken west of a line between North Head and Bastion Point during the night-time period (2200 - 0700).

### ***Advice note:***

*A restriction on dredging works at night (10pm – 7am) is to ensure that the night time noise limits specified in AUP (OP) E25.6.14 are met at all times.*

7. No maintenance dredging shall occur during:
  - a. Any Prada Cup and America's Cup racing events under the 36<sup>th</sup> America's Cup;
  - b. Public holidays; and
  - c. Auckland Anniversary Weekend.

8. No dredging within Area D (coloured green in Figure 1 below) shall occur during the Summer peak period (defined as the period between 1 December and Easter Monday inclusive) between the hours of 7am and 10am on weekdays:

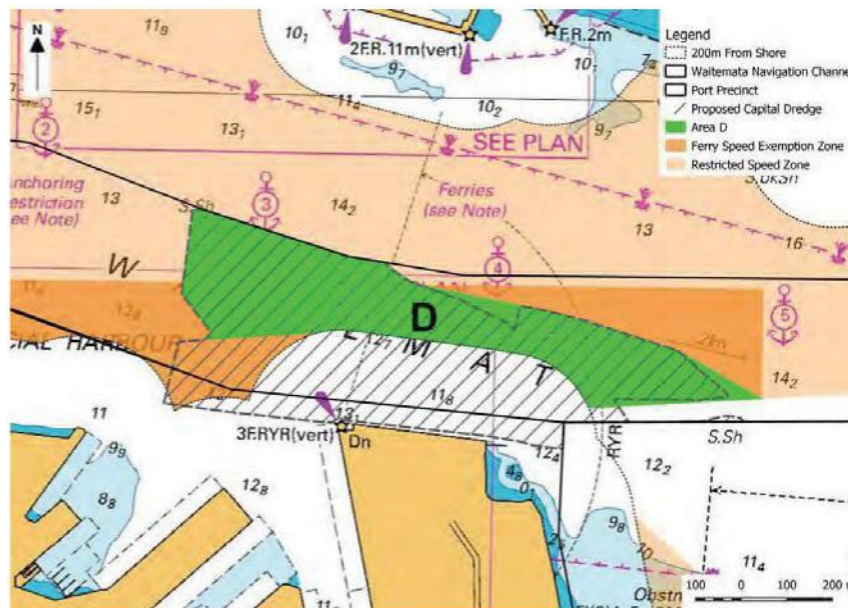


Figure 1: Extent of “Area D” (coloured green)

## Public Access

9. The consent holder shall ensure that public access to and within the coastal marine area shall be maintained while the maintenance dredging activity is undertaken, except where it is necessary to exclude the public for health and safety reasons. Public access shall be maintained to the satisfaction of Council (Team Leader Compliance Monitoring Central in consultation with the Harbourmaster).

## Monitoring

10. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

### **Advice note:**

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## **Subsequent Charges**

11. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

## **Notification of works commencing**

12. At least ten (10) working days prior to the commencement of each maintenance dredging the consent holder shall provide notification of the proposed dredging commencement date in writing to the following:
  - a. The Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal) - (Auckland Council, P.O. Box 92300, Victoria Street West, Auckland 1142 or [coastal.monitoring@aucklandcouncil.govt.nz](mailto:coastal.monitoring@aucklandcouncil.govt.nz)).
  - b. Maritime New Zealand (P.O. Box 27006, Wellington 6041).
  - c. Auckland Harbourmaster (Auckland Transport Harbourmasters Office, Private Bag 92250, Auckland, 1142 or [HarbourMaster@aucklandtransport.govt.nz](mailto:HarbourMaster@aucklandtransport.govt.nz)) New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)).
  - d. New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or [customersupport@linz.govt.nz](mailto:customersupport@linz.govt.nz)).
  - e. All mana whenua who have advised the consent holder in writing of a wish to be notified of commencement of works, shall be given the opportunity by the consent holder to conduct karakia and/or other such cultural ceremonies and activities as are appropriate.

A copy of the written notification under (e) above shall be forwarded to the Council (Team Leader Compliance Monitoring Central).

## **Pre-commencement conditions**

### **Maintenance Dredging Management Plan**

13. At least twenty (20) working days prior to the start of the first maintenance dredging works within the coastal marine area, the consent holder shall submit to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal) for written certification a finalised Maintenance Dredging Management Plan (MDMP). The MDMP shall be prepared by a suitably qualified specialist and

must contain the following:

- a. confirmation of the dredging campaign programme for the calendar year
- b. a schedule for reporting to the Council (Team Leader – Coastal) on the total volume of removed material associated with each dredging campaign for the calendar year
- c. provision for any maintenance works that are not programmed and are required to maintain established depths in response to the results of any hydrographic surveys
- d. a schedule for notifying the Harbourmaster's office about dredging operations
- e. details of how dredging operations will be managed
- f. operating procedures for dredging operations for interfacing with other harbour users including piloted ships, ferries and Royal New Zealand Navy vessels
- g. procedures to ensure priority is provided to commercial transport ships over dredging vessels
- h. details of the dredging methodology (by mechanical excavator)
- i. methods to minimise the release of sediment and methods during maintenance dredging operations, including visual monitoring of the sediment plume
- j. confirmation of the disposal site for the dredged material, noting what resource consent or other permit approves the disposal.

No maintenance dredging works shall commence until certification is provided from the Council that the MDMP satisfactorily meets the requirements of this condition, and any required measures referred to in the MDMP have been put in place prior to the commencement of, or as part of, the dredging works.

14. The MDMP required by Condition 13 may be submitted in parts or in stages to address changes to the detail of the MDMP or to reflect the staged implementation of the maintenance dredging works, and when provided in part or for a stage shall be submitted at least twenty (20) working days for certification prior to commencement of that stage of the works.

### **Navigation and Safety**

15. At least forty (40) working days prior to the start of any maintenance dredging works, the consent holder shall request that the Harbourmaster issue:
  - a. A single generic temporary Notice to Mariners advising mariners of the overall maintenance dredging campaign, and associated barge and tow

operations to, from and at any disposal area.

- b. Local Notices to Mariners as the campaign stops and starts to notify local mariners of where the dredge will be operating, within the overall campaign and any special precautions that mariners should take.

A copy of the request to the Harbourmaster required under this condition shall be forwarded to the Council (Team Leader Compliance Monitoring Central).

## Works in progress conditions

### **Maintenance Dredging Management Plan**

- 16. The consent holder shall ensure that all maintenance works comply with the certified MDMP (Condition 13) at all times. All personnel working on the dredging activity shall be made aware of the requirements contained in the dredging management plan. A copy of the certified MDMP shall be held on any vessels involved in the dredging while the activity is occurring.

### **Maintenance Dredging Volume**

- 17. A cumulative amount of up to 75,000m<sup>3</sup> of material can be removed within any five-year period over the duration of this consent.
- 18. A maximum of 525,000m<sup>3</sup> of material can be removed over the duration of this consent.

### **Maintenance Dredging Methodology**

- 19. For the duration of works on the site, the consent holder shall keep a record of where dredging occurred and the amount of material dredged and removed. An up to date copy of these records shall be kept available for inspection purposes, and a final copy of the record shall be sent to the Council (Team Leader Compliance Monitoring Central in conjunction with Team Leader - Coastal), within ten (10) working days following completion of the each dredging campaign.

### **Discharges to the Coastal Marine Area**

- 20. All maintenance dredging shall be managed to minimise the discharge of sediments to the Coastal Marine Area.

### **Monitoring**

- 21. The consent holder shall take and maintain a photographic record of the maintenance dredging operations once per week for the first six months whilst dredging is underway. The photographs shall document the sea state and conditions of the day along with any visible discoloration of water arising from dredging activity. A written record shall be maintained of environmental

conditions at the time of sampling along with any observations of dredging activity occurring at the time.

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

## Post-development conditions

### Monitoring

22. Within twenty (20) working days of completion of the maintenance dredging, the consent holder shall provide a copy of the photographic record as required by Condition 21 to the Council (Team Leader Compliance Monitoring Central).

### Review Condition

23. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to Section 129 of the Act, in one or more of the following times:
  - a. Within one year of commencing the dredging;
  - b. And/or at five yearly intervals after that time.
    - i. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent.
    - ii. To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment from the generation of unacceptable sediment plumes.
    - iii. To alter monitoring requirements as a result of ongoing monitoring outcomes.
24. Under section 128 of the RMA the conditions of this consent may be reviewed at the consent holder's cost, by giving notice pursuant to section 129 of the Act, within 6 months from the date the Council (Team Leader Compliance Monitoring Central) is notified of:
  - a. The granting of a customary marine title or protected customary right or the vesting of ownership over any part of the common marine and coastal area encompassing the project area; and/or
  - b. The outcome of any Treaty negotiations involving the Waitematā Harbour



to deal with any adverse effect(s) on the environment in respect of dredging management and water quality monitoring.

**Advice Note:**

*It is acknowledged that Te Tiriti o Waitangi/The Treaty of Waitangi underpins the relationship between Mana Whenua and the Crown. Inherent in this are (amongst other things) the principles of partnership, reciprocity, active protection and equity. Importantly, the principle of partnership is endorsed by the concept of good faith. Those principles are acknowledged in the Local Government Act 2002.*

*The consent holder acknowledges that the Waitematā is of extremely high spiritual, ancestral, cultural, customary and historical importance to Mana Whenua.*

## **Advice notes**

- 1. This consent is to be read in conjunction with any other relevant approved resource consents and does not negate the consent holder's requirement to continue to comply with the conditions of any previously granted resource consents that have been implemented.*
- 2. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
- 3. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
- 4. For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
- 5. If you disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to section 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of the council invoice (for s357B).*
- 6. The consent holder is responsible for obtaining all other necessary consents, permits, and licenses' including any additional resource consents that may be required from the Waikato Regional Council. This consent does not remove the*

*need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law.*

- 7. The council acknowledges that the Maintenance Dredging Management Plan is intended to provide flexibility both for the consent holder and the council for the management of the capital and dredging works. Accordingly, the Management Plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
- 8. Certification of the Maintenance Dredging Management Plan by the council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.*
- 9. The consent holder shall ensure that all noise generated from dredging activities on the subject site are managed in such a way that they will comply with standards E25.6.14 of the Auckland Unitary Plan, relating to Noise levels at the coastal interface, at all times. Any non-compliance with this standard is a restricted discretionary activity and will require a separate resource consent.*
- 10. The development involves dredging works located within the identified Hauraki Gulf Cable Protection Area. In the event that any submarine services or infrastructure cables are encountered during the dredging, the consent holder shall be responsible for advising and ensuring that any necessary approvals are obtained from the relevant service provider.*