

APPENDIX 7

PROPOSED RESOURCE CONSENT CONDITIONS

Appendix 7 includes:

- Appendix 7A: Northland Regional Council Proposed Consent Conditions;
- Appendix 7B: Whangarei District Council Proposed Consent Conditions.

APPENDIX 7A

NRC PROPOSED RESOURCE CONSENT CONDITIONS

DRAFT PROPOSED CONDITIONS – RMA APPROVALS (NRC)

Number / reference	Condition / text
DEFINITIONS	
“Active kororā burrow”	means any burrow, crevice, void, shelter or other habitat feature that the SQEP determines is being used by kororā / little blue penguin for nesting, sheltering, roosting, moulting, breeding, or regular access.
“Active nest”	means a nest, scrape, shelter, roost or other breeding location containing one or more eggs, chicks or dependent young, or where an adult shorebird or cryptic marshbird is displaying nesting, incubation, brooding, chick-rearing or nest-defence behaviour.
“Allowable Duration”	means the maximum cumulative period, measured in hours over a rolling 30-day period, during which turbidity at a telemetered turbidity monitoring station may exceed the applicable Intensity before an Exceedance occurs. The Allowable Duration for each tier is: Tier 1: 144 Tier 2: 36 Tier 3: 7.2;
“AMP”	means the Avifauna Management Plan required by these conditions, as certified by the Council and amended from time to time in accordance with these conditions.
“AQMP”	means the Air Quality Management Plan required by these conditions, as certified by the Council and as amended from time to time in accordance with these conditions;
“Avifauna”	means native coastal birds, shorebirds, seabirds, cryptic marshbirds and diving birds, including northern New Zealand dotterel, variable oystercatcher, pied stilt, kororā / little blue penguin, reef heron, Caspian tern, bar-tailed godwit, lesser knot, red-billed gull, South Island pied oystercatcher, white-fronted tern, royal spoonbill, shags, Australasian bittern, banded rail, spotless crane and North Island fernbird.
“Biosecurity relevant waste”	means any solid or liquid waste that may contain viable marine biological material, including biofouling debris, organism or seaweed fragments, sediment, sludge, retained water, washwater, cleaning effluent, operational

	drainage, filters, screens, treatment residues, and material removed from vessel hulls, niche areas, submerged equipment or Facility structures.
“Competent Authorised Person”	means a person who has been trained and authorised under the certified CBMP or OBMP to undertake specified screening, inspection and hold-point release functions;
“Facility”	means the drydock and shipyard authorised by these consents, including the drydock or ship lift, associated berths and wharves, hardstand and vessel-maintenance areas, drainage and treatment systems, and waste-handling and storage areas;
“Capital DMP”	means the Capital Dredging Management Plan required by these conditions, as certified by the Council and as amended from time to time in accordance with these conditions;
“CBMP”	means the Construction Biosecurity Management Plan;
“CEMP”	means the Construction Environmental Management Plan;
“Certification”	has the meaning set out in Condition 3;
“Channel Infrastructure”	means Channel Infrastructure NZ Ltd and its wholly-owned subsidiaries and any successor in title to some or all of its coastal structures including existing jetties (including the fire pump intake dolphin moorings and spillway) and other coastal structures including outfalls and a boat ramp;
“CHPT”	means the Consent Holder Project Team established in accordance with the certified EMMP to coordinate implementation of the EMMP, review monitoring data and direct operational dredge-management responses;
“CMA”	means the coastal marine area as defined in section 2 of the Resource Management Act 1991;
“Commencement of reclamation works”	means earthworks/filling and other physical works associated with construction of the Project in the CMA. Works associated with preliminary investigations/reporting do not fall within this definition;
“Commencement of these consents”	means the date on which these resource consents commence in accordance with section 116 of the RMA (or the equivalent provision of any replacement legislation).
“Council”	means Northland Regional Council or its successor;

“Declared Depth”	means the depth below Chart Datum that is required for navigational safety and operational use of the authorised dredged areas, excluding any authorised over-dredge tolerance in the vertical or horizontal plane;
“Detailed design”	means the preparation of detailed engineering design, plans/drawings and cost estimates, supported by design analysis and calculations, and technical specifications, ready for construction.
“DMMOZ”	means the Dredging Marine Mammal Observation Zone;
“DOC”	means the Department of Conservation Te Papa Atawhai;
“Dredge Spoil”	means seabed material that has been removed by a dredge;
“EMMOZ”	means the Extended Marine Mammal Observation Zone;
“EMMP”	means the Environmental Monitoring and Management Plan required by Conditions 111–122, as certified by the Council and amended from time to time in accordance with these conditions;
“Exceedance”	means the applicable Intensity has been exceeded for longer than the applicable Allowable Duration at a telemetered turbidity monitoring station;
“Extraordinary natural event”	means a significant and readily identifiable natural event that has caused or materially contributed to an Exceedance of the Tier 3 Compliance Level, including a tsunami, significant flood-producing weather event, extreme swell event or landslide, and that is demonstrated not to be attributable to capital dredging.
“FTAA”	means Fast Track Approvals Act, 2024
“FTU”	means Formazine Turbidity Unit;
“High-risk operational activity”	means water blasting or pressure washing that removes or may remove vessel material; abrasive or wet blasting; sanding or coating removal; application, removal or disturbance of antifouling paint or another active coating; spray painting; drydock dewatering; handling of bilge water, ballast water, tank washwater or other vessel-derived liquids; washing of contaminated plant, equipment or surfaces; and any other operational activity identified in the certified SMP as presenting a comparable contaminant risk.

“Intensity”	means the turbidity value, expressed in NTU or FTU, established for each Tier at each telemetered turbidity monitoring station in accordance with Conditions 135–140.
“KMP”	means the Kororā / Little Blue Penguin Management Plan required by these conditions, as certified by the Council and amended from time to time in accordance with these conditions.
“Kororā breeding or moulting activity”	means any kororā nesting, incubation, egg laying, chick rearing, fledging or moulting activity, or the presence of viable eggs, chicks, dependent young or moulting birds, as determined by the SQEP.
“Maintenance DMP”	means the Maintenance Dredging Management Plan;
“Marine Biosecurity Specialist”	means a person with recognised qualifications and demonstrated experience relevant to marine biosecurity risk assessment and management;
“Marine Pest”	means an unwanted organism, notifiable organism, marine pest or other marine organism or disease agent that may create a material risk to marine biodiversity, aquaculture, fisheries or other values of the marine environment;
“MMMP”	means the Marine Mammal Management Plan;
“MMO”	means a person who: (a) has attended and successfully completed a DOC-approved Marine Mammal Observer training course and has relevant marine mammal observation experience; (b) has attended and successfully completed a Marine Mammal Observer training course specialised in construction-observation methods and has suitable project experience as a Marine Mammal Observer; or (c) holds a relevant tertiary qualification and has at least two years’ direct field experience observing marine mammals for research or commercial projects, and who has completed the project-specific training required by the certified MMMP.
“MMOZ”	means Marine Mammal Observation Zone;
“Northport stormwater system”	means the Northport stormwater collection canals, treatment pond, pumps, discharge pipeline, monitoring infrastructure, overflow structures and outfall

	relied on to convey, treat or discharge stormwater received from the Facility, including any authorised extension or modification of that system.
"NSMP"	means Navigation Safety Management Plan;
"NTU"	means nephelometric turbidity unit;
"OBMP"	means the Operational Biosecurity Management Plan required by these conditions, as certified by the Council and as amended from time to time in accordance with these conditions;
"OCMMOZ"	means the Outer Channel Marine Mammal Observation Zone required by these conditions and identified in the certified MMMP.
"Potential kororā habitat"	means the western Northport rock revetment and any other rock revetment, riprap, void, crevice, burrow, shelter, temporary rock stockpile or similar feature within the Project footprint that the SQEP identifies as providing potential habitat for kororā.
"Potential shorebird nesting habitat"	means any beach, shell bank, sand, gravel, hardstand, revetment crest, reclaimed surface, open ground, mown grass or similar area within the Project footprint or construction disturbance area that the SQEP identifies as potential nesting habitat for northern New Zealand dotterel, variable oystercatcher, pied stilt or any other native shorebird.
"Practical Completion"	in relation to the reclamation, means the date that the completed reclamation is available for shipyard activities;
"Predicted Dredging Turbidity"	means the increase in turbidity attributable to capital dredging predicted by the hydrodynamic and sediment-plume modelling submitted with the substantive application for the Northland Shipyard and Dry Dock Project, as identified in the certified EMMP.
"Process water"	means water generated by, used in, or brought into contact with a high risk operational activity, including vessel washwater, blasting water, contaminated washdown water, drydock or ship lift dewatering water, water used to clean a drydock or ship lift, bilge water, ballast water, tank washwater and other vessel derived liquids.
"RMA"	means the Resource Management Act 1991;
"SCMP"	means the Stakeholder and Communications Management Plan described in Condition 28;

“Shipyard stormwater system”	means all infrastructure within or serving the Facility that collects, segregates, conveys, pre treats, monitors or discharges stormwater, together with the separate infrastructure that collects, contains, stores or conveys process water.
“SMP”	means the Stormwater Operations, Monitoring and Maintenance Plan required by these conditions, as certified by the Council and as amended from time to time in accordance with these conditions;
“Suitably Qualified and Experienced” or “SQEP”	means a person or persons with a recognised qualification and/or experience relevant to the topic being assessed.
“Shorebird breeding season”	means the period from 1 September to 28 February inclusive, unless otherwise certified in writing by the SQEP for a particular species or breeding season.
“Tangata Whenua Representatives”	means the representatives nominated by Patuharakeke, Te Parawhau and Ngātiwai for the purposes of these conditions.
“the Project”	means the proposed construction and operation of the drydock and shipyard to the west of Northport, including reclamation and wharf construction and all associated activities and works.
“Tier 3 Compliance Level”	means the Tier 3 Intensity and Allowable Duration established for each telemetered turbidity monitoring station in accordance with Conditions 135-140.
“Threatened or at-risk”	means classified as Threatened or At Risk under the New Zealand Threat Classification System, using the most recent applicable conservation-status assessment published by the Department of Conservation Te Papa Atawhai.
“Trade-waste mode”	means the drainage configuration in which process water is isolated from the stormwater system and directed to contained storage for discharge to the Whangārei District Council wastewater system under a current trade-waste approval or for removal through another authorised treatment or disposal pathway.
“TSP”	means Total Suspended Particulate
“TSS”	means Total Suspended Solids, measured in mg/L;
“UHMMOZ”	means the Upper Harbour Marine Mammal Observation Zone required by these conditions and identified in the certified MMMP.

"UAV"	means Unmanned Aerial Vehicle
"Working Day"	means any day of the year other than: A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, and Labour Day; and If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and A day in the period commencing on 20 December in any year and ending with 10 January in the following year.
"Wharf"	means the wharf structure to be constructed adjacent to the proposed reclamation as shown on the plans in Appendix 6 of the substantive application.
PART A – GENERAL	
General accordence	
1.	Except as provided for in the conditions below, the works and activities authorised by these consents must be undertaken in general accordance with the substantive application lodged with the Environmental Protection Authority, the supporting technical assessments, the certified management plans required by these conditions, and the plans at Appendix 6 of the application. If there is any conflict between the application material and these conditions, these conditions prevail.
Location	
2.	The location of the activities authorised by these consents must be in general accordance with the plans in Appendix 6 of the application.
PART B – ADMINISTRATION AND CERTIFICATION	
B1 – Certification and amendment of certified documents	
3.	Where any condition requires the Consent Holder to submit a design, engineering plan, report or management plan to the Council for certification, certification means that the Council is confirming that the submitted document gives effect to the purpose of the relevant condition, satisfies the specified condition requirements and contains the required information. Certification must not be used to revisit the appropriateness of an activity authorised by these consents or to impose requirements that are more onerous than necessary for the purpose of the relevant condition.

4.	Within 10 working days of receiving a document submitted for certification under these conditions, the Council must either: (a) Certify the document; or (b) Advise the Consent Holder in writing that it is unable to certify the document and provide reasons and recommendations identifying the changes required to achieve certification.
5.	Despite Condition 4, where another condition expressly specifies a longer period for the Council to respond to a document submitted for certification, that longer period applies.
6.	Where the Council advises under Condition 4(b) that it is unable to certify a document, the Consent Holder must consider the reasons and recommendations provided and may submit an amended document for certification. The Council must, within five working days of receiving the amended document, either certify the document or provide the Consent Holder with written reasons why the amended document does not satisfy the applicable condition requirements.
7.	The Consent Holder must comply with each certified design, engineering plan, report or management plan required by these conditions.
8.	If there is any conflict or inconsistency between these conditions and a certified management plan, design, engineering plan or report, these conditions prevail.
9.	The Consent Holder may amend a certified design, engineering plan, report or management plan at any time.
10.	An amendment must be submitted to the Council for certification in accordance with Conditions 3–6 before it is implemented where the amendment may: (a) Materially change the nature, scale, location or duration of an activity addressed by the document; (b) Materially reduce the effectiveness of a measure required to achieve the purpose or requirements of the relevant condition; or (c) Result in an adverse effect that is materially different from, or greater than, the effects addressed by the certified document.
11.	An amendment that does not meet any of the criteria in Condition 10 may be made without certification. The Consent Holder must provide the Council with an updated copy of the document identifying the amendment before, or as soon as reasonably practicable after, the amendment is implemented.
B2 – Copy of documents to be kept on site	
12.	A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to all persons undertaking activities authorised by these consents.

Lapse	
13.	These consents will lapse 15 years from commencement, unless given effect to.
Review under s128 of the RMA	
14.	The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA either: (a) Annually during the month of March, for any one or more of the following purposes: (i) To require the adoption of the Best Practicable Option to remove or reduce any unanticipated adverse effect on the environment; or (ii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents. (b) At any time, to deal with any unanticipated adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage.
PART C – GENERAL ENVIRONMENTAL AND SITE DUTIES	
C1 – Debris and maintenance	
15.	The consent holder must take all practicable steps to keep the CMA free of litter and other debris arising from the exercise of these consents.
Maintenance	
16.	The consent holder must maintain all structures and the reclamation authorised by these consents in good order and repair. Maintenance works authorised by these consents must be routine maintenance and repair, including to the exterior walls of the reclamation consistent with the scale and form of the initial approved reclamation.
C2 – Unauthorised discharges and hazardous-substance incidents	
17.	During construction the consent holder must take all practicable measures to prevent unauthorised discharges of hazardous substances into the CMA. Such measures must include: (a) Measures to prevent oil and fuel leaks from vehicles and machinery, including maintaining machinery and equipment in good working order; (b) Refuelling of land-based machinery and vehicles not occurring within 20 metres of the CMA where practicable, and occurring under supervision throughout the whole activity; (c) All refuelling equipment having shut-off valves;

	(d) The stationary land-based storage of fuel and other hazardous substances not occurring within 20 metres of the CMA; (e) All vehicles and/or works areas having a spill kit capable of absorbing the quantity of fuel and other hazardous substances that may leak or be spilt; and (f) Spill containment equipment being immediately available and kept on-site at all times. Advice Note: <i>Nothing in this condition is intended to affect existing obligations under other legislation, including the Maritime Transport Act and associated statutory instruments such as marine protection rules.</i>
18.	The consent holder must, on becoming aware of any discharge and/or spill associated with the consent holder's operations that is not authorised by these consents: (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge/spill; (b) Immediately notify the Council by telephone of the discharge/spill; (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge/spill; and (d) Report to the Council in writing within one (1) week on the cause of the discharge and the steps taken or being taken to effectively manage the discharge and prevent any recurrence. During Council's opening hours, telephone contact with the Council must be via the Council's landline. If the relevant person cannot be spoken to directly, or it is outside of the Council's opening hours, then the Environmental Emergency Hotline must be contacted. Advice Note: <i>The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.</i>
19.	In addition to the requirements in Condition 18, for any spill of a hazardous substance into the CMA that is greater than 20 litres, the consent holder must provide the Council with the following information within 24 hours: (a) The date, time, location and estimated volume of the spill; (b) The cause of the spill; (c) The type of contaminant(s) spilled; (d) Observations of any spilt material within the marine environment; (e) Clean up procedures undertaken; (f) Details of the steps taken to control and remediate the effects of the spill on the receiving environment; (g) An initial assessment of the potential ecological effects of the spill; and (h) Measures to be undertaken to prevent a recurrence.

C3 – Accidental discovery protocol

20.	If subsurface archaeological evidence is unearthed during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga, the Tangata Whenua Representatives, and the Council must be notified as soon as reasonably practicable.
21.	Work must not recommence in the immediate vicinity of the discovery until either: (a) It has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that (b) Any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.
22.	In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Heritage NZ Pouhere Taonga, NZ Police, the Tangata Whenua Representatives, and the Council must be contacted so that appropriate arrangements can be made. Advice Note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga. For the avoidance of doubt, the accidental discovery protocol conditions apply to works undertaken within land and CMA.

PART D – PRE-CONSTRUCTION AND PRE-COMMENCEMENT REQUIREMENTS

D1 – Pre-construction meeting and construction programme

Site meeting

23.	At least twenty (20) working days in advance of the date of the commencement of works authorised by these consents, the consent holder must contact the Council to arrange for a site meeting with the consent holder's contractor(s) and a Council compliance officer prior to commencement of construction works. The details to be provided at the meeting, and then in writing no more than five (5) working days after the meeting, must include: (a) The intended date of the commencement of works and a programme for the works. (b) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents. (c) The nominated Consent Holder contact and contractor representative (or equivalent) for the works. (d) Any intended staging of the CEMP and works.
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	(e) A list of the proposed Suitably Qualified and Experienced Persons and Chartered Engineers proposed to be used in preparation of any design plans, engineering plan(s), report, or management plan requiring Council certification.
D2 – Engineering design and plans	
24.	The consent holder must submit detailed engineering plans (including drawings and calculations if applicable) prepared in accordance with an appropriate design standard / guideline and any other requirements of the conditions of this consent, to the Council for certification prior to the works commencing on that part of the project. These can be submitted in stages. The plans must include: (a) Reclamation, and revetments; (b) Dry dock / ship lifting facility, wharf(s), sea wall(s), and associated coastal structures; (c) Stormwater infrastructure.
25.	The design and engineering plans must be independently peer reviewed by a SQEP and when submitting the plans to Council, the consent holder must provide written evidence of the independent review and how the review comments have been addressed.
D3 – Ecological and cultural restoration funding	
26.	Within 12 months of the consent holder giving effect to these consents by commencing civil works, and subject to a formal agreement between the consent holder and the Department of Conservation (DoC), the consent holder must deposit the sum of \$50,000 into a bank account nominated by DoC for the purpose and on the basis to be detailed in the agreement.
27.	Subject to condition 26, on each anniversary of the payment required by Condition 26, the consent holder must pay a further \$25,000 for a period of up to 4 years. Advice notes: 1. <i>The payments made in accordance with Conditions 26 and 27 are intended to provide funding for the DoC to undertake initiatives that will either:</i> (a) <i>Enhance the marine ecological values of the Whangārei Harbour; and / or</i> (b) <i>Better understand aspects of the marine ecosystems of the Whangārei Harbour.</i> 2. <i>Where it is not possible to identify initiatives within the Whangārei Harbour, it is intended that the funding will be applied to initiatives in the wider environment in the general vicinity.</i> 3. <i>When identifying suitable initiatives, it is anticipated that the DoC will:</i> (a) <i>Collaborate with Patuharakeke, Te Parawhau and Ngātiwai; and</i> (b) <i>Explore co-funding initiatives with other entities, as appropriate.</i> 4. <i>Any agreement with the DoC will agree, amongst other things:</i>

	(a) <i>The allocation of such payments to agreed objectives and initiatives, including treatment of any unspent funds;</i> (b) <i>Suitable monitoring, governance and regular reporting arrangements, including arrangements against which the effectiveness of funded initiatives can be assessed and reported on;</i> (c) <i>Accounting and auditing requirements;</i> (d) <i>Arrangements for engagement with relevant iwi/hapu and other stakeholders as appropriate; and</i> (e) <i>A process for reviewing and varying the agreement and/or relevant initiatives where circumstances change or identified projects are no longer feasible.</i> <i>Nothing in any agreement will require MBIE or the Crown to act inconsistently with any legislation, statutory function or obligation, Government Policy, Ministerial or Cabinet decision, appropriation, financial or other delegation, or applicable public-sector requirement, or fetters any future decision of the Crown, a Minister, MBIE or any other public authority</i>
D4 – Stakeholder and communications framework	
Stakeholder and Communications Management Plan	
28.	The consent holder must prepare and implement a SCMP not later than 6 months prior to commencement of construction works. The purpose of the SCMP is to set out a framework for how the consent holder will communicate with the community, stakeholders and affected parties for the duration of construction, and the operation of the Project.
Project website	
29.	The Consent Holder must ensure that that a project website that is accessible to, and readily usable by the public is maintained from the commencement of reclamation and capital dredging, whichever occurs first, through to the completion of construction and capital dredging works. The website must also include the following information: (a) Copies of these resource consents; (b) A summary of real-time data collected from the telemetered turbidity monitoring stations required under these conditions; (c) Quarterly monitoring reports prepared under Condition 132. (d) A record of all Tier 3 Compliance Level Exceedances that are correlated with identification of any extraordinary natural events; (e) Any Tier 3 Compliance Level Exceedance report prepared under Condition 144(a). (f) All certified management plans required by these conditions and any certified variations;(g) A mechanism for members of the public to raise matters with, make an

	enquiry of, or lodge a complaint with the consent holder (with any complaints received to be maintained in the Complaints Register in accordance with Condition 239); and (h) Updated project timing and duration information for the Project and activities conducted in accordance with these resource consents, including but not limited to, reclamation, and capital dredging.
D5 – Tangata whenua relationship arrangements <i>[Note: the following contains condition objectives. Drafting of conditions is intended to be undertaken in consultation with Tangata Whenua]</i>	
Tangata whenua liaison	
30.	[Condition to be included requiring the Consent Holder to provide an opportunity for Tangata Whenua to be involved in monitoring the implementation of these consents]
Relevant management plans	
31.	[Condition to be included requiring the Consent Holder to provide draft management plans to Tangata Whenua for review and comment]
Consideration of comments	
32.	[Condition to be included establishing a process for the Consent Holder to consider and respond to comments received on management plans]
Cultural induction	
33.	[Condition to be included requiring the Consent Holder to provide an opportunity for Tangata Whenua Representatives to undertake a cultural induction prior to construction authorised by these consents commencing]
Cultural monitoring	
34.	[Condition to be included providing for Tangata Whenua to propose appropriate cultural monitoring in respect of construction related effects]

Cultural monitoring framework	
35.	[Condition to be included requiring the Consent Holder to liaise with Tangata Whenua to identify cultural indicators and monitoring methods]
Monitoring information and cultural monitoring report	
36.	[Condition to be included requiring the Consent Holder to provide monitoring reports to Tangata Whenua]
Response to cultural monitoring	
37.	[Condition to be included outlining the process for the Consent Holder to respond to cultural monitoring results]
Costs	
38.	[Condition to be included addressing cost recovery]
D6 – Construction Biosecurity Management Plan	
Construction Biosecurity Management Plan (CBMP)	
39.	At least 20 Working Days before commencing marine construction works, the Consent Holder must submit a CBMP to the Council for certification.
40.	The CBMP may be prepared as a standalone management plan or as a separately identified chapter of the CEMP.
41.	The purpose of the CBMP is to manage the risk that marine construction vessels, barges, dredging plant, marine plant, temporary structures and equipment introduce or transfer Marine Pests or other viable marine biological material. The CBMP must be prepared by a Marine Biosecurity Specialist and must include: (a) Roles and responsibilities for implementing construction biosecurity requirements; (b) Procedures for screening items that will be submerged in, or come into contact with, the CMA; (c) The information to be considered during screening, including origin, recent operating or deployment history, time since cleaning or antifouling maintenance, periods spent idle in

	water, visible biofouling or sediment, retained water and previous use in an area affected by a Marine Pest; (d) Criteria for determining when inspection, cleaning, drying, treatment, further information or exclusion is required before mobilisation or use; (e) Procedures for managing biofouling, retained water, sediment, sludge and other biological residues; (f) Controls applying to dredging plant and equipment; (g) Procedures applying to equipment previously used in an area affected by exotic caulerpa or another Marine Pest; (h) Procedures for inspecting and, where required, cleaning or treating temporary structures and equipment before transfer to another coastal location; (i) Biosecurity hold points, the criteria for their release, and the matters that may be determined by a Competent Authorised Person or must be determined by a Marine Biosecurity Specialist; (j) Procedures for responding to suspected Marine Pests, disease signs, containment failures and accidental releases, including notification pathways for the Council and MPI where relevant; (k) Monitoring, training, record-keeping and reporting requirements; and (l) Procedures for reviewing and amending the CBMP.
42.	Marine construction works must not commence until the Council has certified that the CBMP contains the information required by Condition 41.
43.	The Consent Holder must implement the certified CBMP throughout marine construction works.
44.	A construction vessel, barge, item of marine plant, temporary structure or item of equipment that is subject to screening under the certified CBMP must not be mobilised to, or used within, the Project marine construction area where: (a) The required screening has not been completed; (b) Information necessary to assess the biosecurity status of the item is materially incomplete; (c) Visible macrofouling, sediment, seaweed fragments or other potentially viable biological material is present in circumstances that create an unmanaged introduction or transfer pathway; or (d) Another unresolved biosecurity risk has been identified.
45.	Before the dredging plant and associated equipment are mobilised to or used within the Project area, the Consent Holder must provide the Council with written confirmation from a Marine Biosecurity Specialist that the dredging plant and associated equipment have completed the screening and any management actions required by the certified CBMP have been implemented.

PART E – CONSTRUCTION

E1 – Construction Environmental Management Plan

Construction Environmental Management Plan (CEMP)

46.	At least twenty (20) working days prior to the commencement of construction authorised by these consents, the consent holder must submit a Construction Environmental Management Plan (CEMP) to the Council for certification. The objectives of the CEMP are: (a) To detail the environmental monitoring and management procedures to be implemented during the Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and (b) To ensure construction effects of the Project are in accordance with the assessments accompanying the resource consent applications.
47.	The CEMP must include the following sections: (a) Construction phase roles and responsibilities protocols; (b) Environmental Risk Assessment (which may be in each individual section); (c) Dust; (d) Hazardous Substances; (e) Erosion and Sediment Control; (f) Marine works, including reclamation dewatering and decant-water management; (g) Wildlife, including the relationship with the certified AMP, KMP and MMMP; (h) Archaeology; (i) Construction Noise; (j) Marine biosecurity, including the relationship with the certified CBMP; and (k) Complaints procedures and incident reporting.
48.	The CEMP must be prepared by a Suitably Qualified and Experienced Person, with advice from relevant technical experts, and must be in general accordance with the draft CEMP at Appendix 9A to the substantive application.
49.	The CEMP must be certified in writing by the Council's Compliance Manager prior to the commencement of construction activities to which the CEMP applies. The Consent Holder must undertake those construction activities in accordance with the certified CEMP, including any amendment made in accordance with Conditions 9–11.

50.	The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any of the matters in Condition 47 are not relevant, a statement must be provided regarding why management of these effects are not relevant to the particular stage of works.
E2 – Construction dust, erosion, sediment and discharges	
Dust	
51.	The dust section of the CEMP must set out the methods and procedures to be implemented during construction to minimise dust emissions, avoid offensive or objectionable dust effects beyond the boundary of land or structures owned or occupied by the Consent Holder, and minimise visible dust deposition to the CMA. The methods and procedures must be generally in accordance with Section 6 of the CEMP, including provision for dust control, visual inspection, wind monitoring, real-time TSP monitoring, response triggers, record keeping and staff training.
Decant discharge and sediment control	
52.	The erosion and sediment control and/or marine works sections of the CEMP must set out the methods and procedures for managing reclamation decant water and construction stormwater discharges. These methods and procedures must be generally in accordance with Sections 8 and 9 of the CEMP referred to in Condition 48 and must include, as applicable: (a) The location and method of discharge; (b) Methods for containing and treating water prior to discharge; (c) Methods for managing the capacity and integrity of settlement areas, bunds, pipelines and other control measures; (d) Methods for avoiding and responding to leaks or spillages during pumping; (e) Monitoring and inspection procedures; and (f) Procedures for responding where the applicable discharge performance standard is not achieved.
Reclamation decant water discharge	
53.	Reclamation construction decant water must be discharged to coastal water via pipeline with an outlet(s) that is: (a) adjacent to the active reclamation edge; and (b) at least 1 (one) metre below Mean High Water Springs.
54.	Monitoring of the reclamation construction decant discharge must be undertaken in accordance with the certified CEMP and must include:

	(a) Establishment, during the first week of decant discharge, of the relationship between turbidity measured in NTU/FTU and a TSS concentration of 300 mg/L, based on contemporaneous turbidity measurement and laboratory TSS analysis; (b) Routine monitoring of the turbidity of the decant discharge to assess compliance with the applicable performance standard; (c) At least monthly sampling of the decant discharge for laboratory analysis of TSS, undertaken concurrently with turbidity monitoring, to confirm the continuing reliability of the TSS/turbidity relationship; and (d) Where the measured median turbidity over a one-hour period exceeds the turbidity value corresponding to 300 mg/L TSS, implementation of additional management measures and collection of a discharge sample for laboratory analysis of TSS.
55.	The consent holder must provide the results of sampling completed under Condition 54 upon request.
56.	If a discharge sample collected in accordance with Condition 54(d) has a TSS concentration greater than 300 mg/L, the following must occur: (a) The consent holder must immediately cease the discharge and implement any management practices required to reduce the TSS concentration of the decanted discharge, after which the discharge may recommence; (b) Within one (1) hour of resuming the discharge, the consent holder must measure the outlet discharge turbidity in NTU/FTU to reassess for compliance with Condition 54; and (c) If compliance with Condition 54 is not achieved, the consent holder must undertake further management measures to reduce the TSS concentration of the decanted discharge and inform the Council within 48 hours.
Construction stormwater discharge	
57.	The discharge of stormwater from the reclamation and/or wharf area while under construction must only be: (a) into the decant discharge system; (b) directly into coastal water; or (c) into the existing canal and pond-based stormwater system.
58.	Any construction stormwater discharged directly to coastal water must be treated and managed in accordance with the certified CEMP so as to achieve the applicable discharge performance standards.

E3 – Construction noise

59.

Construction noise from activities within the CMA, including from capital and maintenance dredging, must not exceed the noise limits in the following table:

Table 5: Upper limits for construction noise received in residential zones and dwellings in rural areas – from New Zealand Standard. Acoustics – Construction Noise (NZS 6803:1999)

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		Leq	Lmax	Leq	Lmax	Leq	Lmax
Weekdays	0630 to 0730	60	75	65	75	55	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	70	85	75	90	65	80
	2000 to 0630	45	75	45	75	45	75
Saturdays	0630 to 0730	45	75	45	75	45	75
	0730 to 1800	75	90	80	95	70	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75
Sundays and public holidays	0630 to 0730	45	75	45	75	45	75
	0730 to 0800	55	85	55	85	55	85
	1800 to 2000	45	75	45	75	45	75
	2000 to 0630	45	75	45	75	45	75

Table 6: Upper limits for construction noise received in industrial or commercial areas for all of the year – from New Zealand Standard. Acoustics – Construction Noise (NZS 6803:1999)

Time period	Duration of work		
	Typical duration Leq (dBA)	Short-term duration Leq (dBA)	Long-term duration Leq (dBA)
0730 to 1800	75	80	70
1800 to 0730	80	85	75

E4 – Avifauna and kororā management

Avifauna Management Plan and Kororā Management Plan.

60.

At least 20 Working Days before commencement of construction works authorised by these consents, the Consent Holder must submit the following management plans to the Council for certification:

- (a) An Avifauna Management Plan (AMP); and
- (b) A Kororā Management Plan (KMP).

The AMP and KMP must be generally in accordance with the draft versions submitted with the substantive application.

The KMP may be prepared as:

	(c) A standalone management plan; or (d) A separately identified appendix to the AMP.
61.	The objective of the AMP is to avoid or minimise adverse effects on coastal avifauna during construction and, where relevant, operation of the Project, including by: (a) Avoiding injury or mortality of nesting shorebirds, kororā, eggs, chicks and dependent young; (b) Avoiding or minimising disturbance to nesting, roosting and foraging coastal avifauna; (c) Avoiding or minimising construction effects on northern New Zealand dotterel, variable oystercatcher, pied stilt and other Threatened or At Risk coastal birds; (d) Managing works within or adjacent to potential shorebird nesting habitat; (e) Integrating the kororā-specific management requirements of the KMP; (f) Managing lighting, access, storage, construction disturbance and other activities that may affect coastal avifauna; and (g) Setting out monitoring, reporting and incident response procedures.
62.	The objective of the KMP is to avoid or minimise adverse effects on kororā arising from construction works within or adjacent to potential kororā habitat, including by: (a) Identifying potential kororā habitat within the Project footprint; (b) Requiring pre-work surveys of potential kororā habitat; (c) Requiring the use of a DOC-certified conservation dog and handler where required by the KMP; (d) Managing rock removal, rock placement and rock storage; (e) Identifying and protecting active kororā nests; (f) Establishing and maintaining exclusion zones; (g) Preventing kororā from occupying temporary rock stockpiles, pipes, hoses, plant, machinery or other construction materials; (h) Setting out daily inspection procedures; (i) Setting out incident response procedures; and (j) Identifying the relationship between the KMP and any Wildlife Approval required for kororā.
Management plan contents	
63.	The AMP must include: (a) The name and contact details of the SQEP responsible for overseeing implementation of the AMP, together with a summary of their relevant qualifications and experience;

	(b) A plan or plans identifying the Project footprint and the principal areas of avifauna habitat within or adjacent to the Project area that may be affected by Project activities, including: (i) potential shorebird nesting habitat; (ii) known or potential shorebird roosting habitat; (iii) potential cryptic marshbird habitat; (iv) Blacksmiths Creek and adjacent intertidal habitat; and (v) any active-nest exclusion zones known at the time the AMP is prepared; (c) The methods and procedures for undertaking the pre-construction and pre-work avifauna surveys required by these conditions, including surveys for shorebirds and cryptic marshbirds; (d) Procedures for identifying, recording, marking and protecting active nests, including the establishment, maintenance and removal of exclusion zones; (e) Shorebird and cryptic marshbird nesting-management procedures; (f) Construction management measures to avoid or minimise disturbance to avifauna, including measures relating to access, machinery, storage and laydown areas, and works within or adjacent to nesting or roosting habitat; (g) Procedures for implementing the construction-lighting requirements in these conditions, which may include cross-reference to the relevant lighting provisions of the CEMP or another certified management plan; (h) Avifauna incident-response procedures, including procedures for responding to injured, dead or distressed avifauna and for implementing the notification and reporting requirements of these conditions; (i) Procedures for responding to suspected HPAI / bird-flu incidents; (j) Procedures for maintaining records of surveys, active nests, exclusion zones, incidents and management responses, and for preparing the reports required by these conditions; (k) The relationship between the AMP, the KMP, the CEMP and any other certified management plan relevant to avifauna management; and (l) Procedures for reviewing and, where necessary, amending the AMP.
64.	The KMP must include, as a minimum: (a) A map identifying potential kororā habitat within the Project footprint; (b) Pre-work kororā survey methods; (c) The circumstances in which DOC-certified conservation dogs will be used; (d) Procedures for inspection of burrows, crevices, voids, shelters, guano, feathers, tracks, calls or other signs of kororā; (e) Procedures for identifying and mapping active kororā burrows; (f) Procedures for establishing, maintaining and removing exclusion zones around active kororā burrows;

	(g) Rock removal, rock placement and rock storage procedures; (h) Procedures to prevent kororā from occupying stored rocks, temporary rock stockpiles, pipes, hoses, plant, machinery or other construction materials; (i) Daily inspection requirements where works are occurring in potential kororā habitat; (j) Procedures for managing positive dog detections or confirmed signs of kororā; (k) Procedures for injured or dead kororā; (l) Reporting requirements; (m) The relationship between the KMP and any Wildlife Approval for kororā granted under the FTAA; and (n) Confirmation that the KMP does not authorise any capture, handling, temporary holding, transport, relocation, possession or disposal of kororā except where separately authorised under the Wildlife Approval.
Certification and implementation	
65.	Construction works authorised by these consents must not commence until the AMP and KMP have been certified by the Council.
66.	The Consent Holder must implement the certified AMP and certified KMP: (a) For the duration of construction works; and (b) During any subsequent period in which a measure in either plan applies to the operation or maintenance of the Project.
Pre-construction avifauna surveys	
67.	During the Shorebird Breeding Season, construction works within 20 metres of potential shorebird nesting habitat must not commence until the pre-work survey required by the certified AMP has been completed.
68.	If an active nest of a native shorebird is identified within or adjacent to the Project footprint, the Consent Holder must: (a) Establish an exclusion zone extending at least 20 metres from the active nest, unless the SQEP determines that a greater distance is required; (b) Ensure that construction works, storage, laydown, plant, machinery and general personnel access do not occur within the exclusion zone; (c) Ensure that the exclusion zone does not obstruct bird access between the nest and adjacent habitat; and (d) Maintain the exclusion zone until the SQEP confirms that the nest is no longer active.

69.	If an active shorebird nest is incidentally discovered during construction works, the Consent Holder must immediately cease works in the vicinity of the nest and implement the relevant procedures in the certified AMP.
70.	The Consent Holder must not remove, relocate, disturb or destroy any active nest, egg, chick or dependent young unless separately authorised under applicable wildlife legislation or a Wildlife Approval granted under the FTAA.
Kororā management	
71.	Construction works involving rock removal, rock placement or disturbance of potential kororā habitat must not commence until the pre-work survey required by the certified KMP has been completed.
72.	If an active kororā burrow is identified, the Consent Holder must: (a) Establish an exclusion zone extending at least 10 metres from the active kororā burrow, unless the SQEP determines that a greater distance is required; (b) Ensure that construction works, storage, laydown, plant, machinery and general personnel access do not occur within the exclusion zone; (c) Ensure that the exclusion zone does not obstruct kororā access between the active burrow and the CMA; and (d) Maintain the exclusion zone until the SQEP confirms that the burrow is no longer active.
73.	If breeding or moulting kororā, viable eggs or live chicks are identified within potential kororā habitat affected by construction works, construction must not occur within the applicable exclusion zone until: (a) The SQEP confirms that the breeding attempt has ended, the burrow no longer contains viable eggs or live chicks, and the burrow is no longer active; (b) The SQEP confirms that the kororā is no longer moulting and is able to leave the area of its own accord; or (c) The works are separately authorised under an applicable Wildlife Approval.
74.	If kororā are incidentally discovered during construction works, the Consent Holder must immediately cease works in the vicinity and implement the relevant procedures in the certified KMP.
75.	The Consent Holder must not capture, handle, temporarily hold, transport, release, relocate, injure, kill or possess any kororā except where separately authorised under applicable wildlife legislation or a Wildlife Approval granted under the FTAA.

Construction lighting controls

- 76.** Construction lighting must:
- (a) Be limited to the minimum illumination necessary for safe construction, navigation and security;
 - (b) Be directed downward where practicable;
 - (c) Avoid, as far as reasonably practicable, unnecessary illumination of adjacent intertidal habitat, roosting areas, potential shorebird nesting habitat and potential kororā habitat; and
 - (d) Avoid, as far as reasonably practicable, direct light spill towards Blacksmiths Creek, the adjacent intertidal flats and existing shorebird roosting habitat that may be affected by Project construction activities.
 - (e) Avoid, as far as reasonably practical, adverse effects on the safety of port operations.

Avifauna incident response

- 77.** If any injured, dead or distressed native threatened or at-risk birds are found within the Project footprint during construction works, the Consent Holder must immediately:
- (a) Stop works in the immediate area where necessary to avoid further injury or disturbance;
 - (b) Contact the SQEP;
 - (c) Implement the incident response procedures in the AMP or KMP;
 - (d) Record the date, time, location, species if known, circumstances and response; and
 - (e) Notify the Council within 24 hours.
- 78.** The Consent Holder must maintain records of avifauna surveys, active nests, active kororā burrows, exclusion zones, avifauna incidents and associated management responses in accordance with the certified AMP and KMP.
- 79.** The Consent Holder must provide an annual avifauna management report to the Council by 30 June each year during construction works and for any subsequent operational period during which avifauna-management measures are required by the certified AMP or KMP.
- The annual report must summarise:
- (a) Surveys and monitoring undertaken;
 - (b) Active nests or active kororā burrows identified;
 - (c) Exclusion zones established;
 - (d) Any avifauna injuries, mortalities or incidents;
 - (e) Any material amendments to the AMP or KMP;
 - (f) Compliance with the avifauna management conditions; and
 - (g) Any recommended changes to avifauna-management measures.

Review and amendment	
80.	The AMP and KMP may be amended in accordance with Conditions 9–11.
81.	No amendment to the certified KMP may authorise the capture, handling, temporary holding, transport, relocation, possession or disposal of kororā except where that activity is separately authorised under an applicable Wildlife Approval.
E5 – Marine mammals and underwater noise	
Marine Mammal Management Plan	
82.	The Marine Mammals section of the CEMP must include, as an attachment, a Marine Mammal Management Plan (MMMP). The purpose of the MMMP is to set out the procedures, monitoring and management actions to avoid injury to marine mammals and to minimise, monitor and manage behavioural disturbance, acoustic masking and temporary avoidance effects on marine mammals during construction works. The MMMP must be in general accordance with the Draft MMMP submitted with the application and detail: (a) The potential for adverse effects of noise produced by construction activities on marine mammals that may be present within Whangārei Harbour, Te Ākau / Bream Bay and the wider construction influence area. (b) Procedures for verifying the in-situ underwater noise levels produced by: (i) Pile-driving activities, through acoustic monitoring undertaken within two weeks of pile driving commencing, and for using the monitoring results to validate the underwater-noise modelling and identify any required adjustments to noise-reduction measures, Marine Mammal Observation Zones and associated pile-driving prohibition procedures; and (ii) Each representative dredging method, through acoustic monitoring undertaken as soon as practicable after that dredging method commences, and for using the monitoring results to confirm or adjust the Dredging Marine Mammal Observation Zone and associated dredging-management procedures. (c) Underwater noise management, including the establishment, operation and maintenance of the real-time passive acoustic monitoring network described in the draft MMMP, and implementation measures for the OCMMOZ, MMOZ, EMMOZ, UHMMOZ and DMMOZ required by these conditions. (d) Procedures for the operation of the real-time passive acoustic monitoring network during pile-driving activities, including: (i) The location, installation, operation, maintenance and data-quality requirements for the monitoring stations; (ii) The provision of real-time marine mammal detection alerts to the MMOs;

- (iii) The use of monitoring data to validate predicted underwater noise levels and review the effectiveness of noise-reduction measures and marine mammal observation zones; and
 - (iv) Continuation of the monitoring network for the duration of pile-driving activities and for six months following completion of pile-driving activities.
- (e) Piling methodology procedures for the reduction of noise levels at source, which may include:
- (i) The use of vibro-driving where practicable;
 - (ii) "Soft start" or "ramping up" procedures over a ten-minute period in accordance with best practice for impact and vibro-piling where practicable;
 - (iii) The use of sacrificial non-metallic hammer cushion caps or dollies for impact piling to reduce underwater noise where practicable;
 - (iv) Modifications to pile striking by changing the contact time of the hammer, to reduce the noise generated by impacts through a reduction in the amplitude of the pile vibration, where practicable;
 - (v) The use of available technologies to reduce underwater noise propagation, for example bubble curtains.
- (f) Protocols for the implementation of the observation zones, being the OCMMOZ, MMOZ, EMMOZ and UHMMOZ, and associated pile-driving prohibition procedures, including:
- (i) Establishment of the observations zone, including relevant procedures within which personnel having the necessary training and experience will act as observers to search the observation zones for marine mammals;
 - (ii) Daily pre-start, pre-start following extended breaks, soft-start, during-works, poor-visibility and post-works observation requirements, including the upper-harbour pre-start survey required by these conditions;
 - (iii) Reporting and logging of marine mammal sightings;
 - (iv) Establishment of pile driving prohibition procedures if a marine mammal is sighted within an observation zone;
 - (v) Procedures for delay, shutdown and recommencement of piling where required by these conditions; and
 - (vi) Procedures for reviewing the effectiveness of the observation zones following acoustic validation and marine mammal observations.
- (g) Protocols for the implementation of a default DMMOZ extending 50 metres in all directions from a dredge vessel that is actively dredging, subject to confirmation or adjustment following representative in-situ dredging-noise measurements, including:
- (i) Establishment of the DMMOZ, including relevant procedures, within which personnel having the necessary training and experience will act as observers to search the DMMOZ for marine mammals;
 - (ii) Reporting and logging of marine mammal sightings; and

	(iii) Establishment of dredging prohibition procedures if a marine mammal is sighted within a DMMOZ. (h) Protocols for marine mammal training of construction staff and the required training and experience of the designated Marine Mammal Observers. (i) Vessel operating guidelines to minimise the risk of vessel strike, including compliance with the Marine Mammals Protection Regulations 1992, equivalent to the Hauraki Gulf Transit Protocol with relation to speed limits, watch keeping, and reporting, to the extent relevant to construction vessel activities within Whangārei Harbour. (j) Protocols for reducing risk of entanglement of marine mammals in construction equipment and de-entanglement protocols. (k) Protocols for the control of construction-related debris and waste, including waste management protocols for the secure onboard storage of items such as lines, nets, and waste to avoid entanglement of marine mammals or their ingestion of waste material. (l) Procedures for the installation, operation, inspection, maintenance and removal of any marine silt curtain, including: (i) Measures to minimise the risk of marine mammal entanglement; (ii) Visual inspection at least once every four hours while the silt curtain is deployed, increasing to at least once every two hours where a marine mammal has been sighted in the vicinity that day; (iii) Marine mammal observation during installation and removal; (iv) A prohibition on commencing installation or removal where a marine mammal has been sighted within 300 metres of the works, until it has been visually confirmed that the marine mammal has left that area; and (v) Emergency response and disentanglement procedures. (m) Procedures for liaison with: (i) The DOC to request up-to-date regional sighting information for the duration of construction works, excluding maintenance dredging, particularly for visiting baleen whales; (ii) Marsden Cove Marina staff to request up-to-date marine mammal sighting information for the duration of construction works, excluding maintenance dredging, particularly in relation to leopard seals / popoia Gore and visiting baleen whales; and (iii) Iwi and/or hapū representatives as needed (n) Procedures, including timeframes, for reviewing management actions to ensure their continuing efficacy during construction works, including review following acoustic validation, any marine mammal incident, or any monitoring result or marine mammal observation that indicates the MMMP may require amendment to achieve its purpose. (o) Incident reporting procedures, including notification, investigation, reporting and corrective action requirements for any marine mammal injury, mortality, vessel strike, entanglement, or other incident associated with the construction works.
83.	The MMMP must be in general accordance with the draft MMMP at Appendix 9B to the substantive application.

Marine mammal observation zones

84.	Before commencing pile driving, the Consent Holder must establish the following marine mammal observation zones: (a) An OCMMOZ comprising the waters west of a line between Home Point and the No. 12 channel marker; (b) An MMOZ extending 500 metres from the pile-driving activity; (c) An EMMOZ comprising the waters west of the MMOZ and east of the line between One Tree Point and Manganese Point; and (d) A UHMMOZ comprising the waters of Whangārei Harbour west of the line between One Tree Point and Manganese Point. The location of each zone and the MMO observation positions must be shown in the certified MMMP.
85.	Before pile driving commences on each day: (a) The UHMMOZ must be surveyed from a vessel in accordance with the certified MMMP to identify any marine mammals present in the upper harbour; and (b) MMOs must undertake observations of the applicable observation zones for at least 30 minutes before pile driving commences. The 30-minute pre-start observation must also be undertaken following any break in pile driving exceeding one hour, or any shorter period specified in the certified MMMP where continuous observations have ceased.

Pile driving prohibition requirements

86.	Pile driving must not commence, or must immediately cease, where: (a) A marine mammal is sighted within or about to enter the MMOZ; (b) A marine mammal is sighted within the EMMOZ travelling east towards the Project site; (c) A baleen whale or pinniped is sighted within the EMMOZ, irrespective of its direction of travel; or (d) A whale or leopard seal enters the OCMMOZ while that zone is activated in accordance with the certified MMMP. Pile driving may recommence only after the relevant marine mammal has been visually confirmed to have left the applicable zone, or has not been sighted for at least 30 minutes, and the soft-start procedures in the certified MMMP have been completed.
87.	The OCMMOZ must be activated following a confirmed sighting of a whale or leopard seal within the wider Whangārei region between Bream Bay and Tutukaka. The OCMMOZ must remain activated during daylight pile-driving activities for at least 48 hours following the last confirmed sighting, unless an alternative period is recommended in writing by the marine mammal specialist and certified as an amendment to the MMMP.

88.	Pile driving must not commence, or must cease as soon as it is safe to do so, where visibility is insufficient for the MMO to effectively observe the applicable observation zone. The criteria for determining poor visibility, the use of additional MMOs and the procedures for recommencement must be specified in the certified MMMP.
89.	MMOs must continue observations of the applicable observation zones during pile driving and for at least 30 minutes after pile driving ceases, or for as long as daylight permits where pile driving ceases less than 30 minutes before the end of daylight.
Pile-driving sound level verification	
90.	The Consent Holder must undertake acoustic monitoring during pile driving to determine the unweighted 24-hour cumulative sound exposure level, SELcum(24h), at a monitoring location on the edge of MMOZ. The SELcum(24h) must be calculated from all impact-piling and vibro-piling undertaken during the day the monitoring is undertaken.
91.	The acoustic monitoring required by these conditions must include, but not be limited to, measurement work undertaken within two weeks of commencing pile driving activities for the wharf and during normal operating conditions for representative pile diameters and piling methods for a minimum of three days for each representative piling scenario, unless an alternative monitoring scope is certified by the Council on the basis of advice from a SQEP underwater acoustics specialist.
92.	The monitoring results collected in accordance with Conditions 90 and 91 must be compared to the HF weighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) and must not exceed 178dB re 1µPa2s (SELcum(24 hour)) during the first year of piling.
93.	Within 2 weeks of completion of the measurement work completed under Conditions 90 and 91, an acoustic monitoring report must be prepared by the Consent Holder. The report must detail the acoustic monitoring undertaken, the piling activity during the monitoring and a comparison of the monitoring results to the criteria in Condition 92. A copy of the report must be provided to the Council.
94.	Following completion of the acoustic monitoring required by Conditions 90–93, the Consent Holder must use the measured SELcum(24h) results and updated underwater noise modelling to confirm whether any amendment to the observation zones is appropriate. Any amendment must: (a) Be recommended in writing by a Suitably Qualified and Experienced underwater-acoustics specialist and marine mammal specialist; (b) Continue to avoid permanent and temporary hearing injury effects on marine mammals; and (c) Be certified as an amendment to the MMMP before implementation.

95.	An adjustment under Condition 94 must be submitted to the Council for certification as an amendment to the MMMP in accordance with Conditions 3–11 and must not be implemented until it has been certified.
Pile driving timing and scheduling	
96.	Pile driving must only be undertaken during daylight hours, being between half an hour after sunrise and half an hour before sunset.
97.	To the extent practicable, pile driving must be scheduled and carried out to minimise the potential impact on marine mammals. This includes scheduling commencement of pile driving at a time which minimises the need for it to occur over successive marine mammal “seasons” (i.e. back to back winters). Advice Note: Conditions 82–97 are for the purposes of minimising any risk of hearing impairment to marine mammals from pile-driving activities. Refer also to the various controls required by the Marine Mammals section of the CEMP.
E6 – Landscape and visual mitigation	
Landscape Plan	
98.	Prior to Practical Completion of the reclamation, the Consent Holder must submit a Landscape Plan to the Council for certification. The purpose of the Landscape Plan is to soften the visual interface between the western edge of the reclamation and the Blacksmiths Creek / Marsden Bay coastal environment, where practicable, while maintaining public safety, operational security and compatibility with avifauna management. The Landscape Plan must be prepared by a suitably qualified landscape architect or landscape designer and must include: (a) The location, extent and species composition of pōhutukawa planting along the western edge of the reclamation; (b) Any associated coastal planting or landscape treatment; (c) Establishment, replacement planting and maintenance requirements; (d) How the planting will be integrated with the public walkway and replacement fishing platform, where relevant; and (e) Any measures required to maintain public safety, operational security and compatibility with avifauna management requirements. The Consent Holder must implement the certified Landscape Plan within the first planting season following Practical Completion of the reclamation, unless an alternative timing is certified by the Council.

PART F – CAPITAL DREDGING

F1 – General capital dredging controls

General

99.	At least ten (10) working days in advance of the date of the commencement of capital dredging associated with these consents, the consent holder must: (a) Notify the Council of the commencement of capital dredging; and (b) Advertise the anticipated dredging in the Northern Advocate (or equivalent); and (c) Advise the anticipated location and timing of the dredging on the project website.
100.	Capital dredging must: (a) Be undertaken only within the authorised capital dredging footprint shown on the plans at Appendix 6; and (b) Result in declared depths no deeper than those shown on the plans in Appendix 1, except for any authorised over-dredge tolerance confirmed through the certified Capital DMP.
101.	The consent holder must record the locations and periods of all dredging, the method of dredging, and the quantities of in situ material dredged (in cubic metres) and must provide these records to the Council within 20 working days after the dredging work is completed.
102.	Except for incidental dredging discharges authorised by these consents, seabed material dredged during the capital dredging programme must be managed as follows: (a) Suitable dredged material must be reused within the reclamation where practicable; (b) Dredged material that is not suitable for reuse within the reclamation must be deposited at an authorised land-based disposal or reuse location; and (c) Capital dredged material must not be disposed of offshore unless offshore disposal is expressly authorised by these consents or by a separate resource consent.
103.	The consent holder must notify the Council within ten (10) working days following the date of the completion of capital dredging works associated with these consents.
104.	As soon as practicable following completion of the capital dredging, the consent holder must provide a bathymetric plan defining the location and depth of the dredging area and batters within the CMA, to the entities listed below. The plan must include GPS co-ordinate data (using Transverse Mercator 2000 or an equivalent system). Hydrographic Surveyor Toitū Te Whenua Land Information New Zealand PO Box 5501

	Wellington 6145 Northland Regional Council Private Bag 9021 Whangarei Mail Centre Whangarei 0148 Maritime New Zealand PO Box 25620 Wellington 6140 Channel Infrastructure Private Bag 9024 Whangarei 0148 Northport PO Box 44 Ruakaka
Timing of capital dredging relative to capital dredging authorised by AUT.037197.01-13	
105.	Capital dredging under these consents must not commence: (a) during capital dredging authorised under consents AUT.037197.01-13 or their replacement consent(s); or (b) within a 6 month period following the completion of a capital dredging event authorised under consents AUT.037197.01-13 – in each case only where the capital dredging event undertaken pursuant to consents AUT.037197.01-13 is within Harbour Area A (inner), as described in those consents. Advice Note: Channel Infrastructure holds resource consents AUT.037197.01-13 for the deepening and realignment of the Whangārei Harbour shipping channel and associated works. Condition 78 of those resource consents requires the consent holder to notify the Council, and other parties, of each dredging event at least two (2) weeks before commencing dredging. Condition 79 requires the consent holder to publicly advertise the location and timing of dredging in the Northern Advocate at least one (1) week, but not more than two (2) weeks, in advance of commencing dredging operations on each occasion. Advice Note: Condition 105 is for the purpose of managing potential cumulative marine ecological effects associated with capital dredging under these resource consents and consents AUT.037197.01-13 held by Channel Infrastructure.

F2 – Capital Dredging Management Plan

Timing

106.	The consent holder must, at least twenty (20) working days prior to capital dredging commencing, submit to the Council a Capital Dredging Management Plan (Capital DMP) for certification.
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Objective

107.	The objective of the Capital DMP is to describe the capital dredging plant, work methodologies and environmental management systems to be used for the delivery of capital dredging to ensure that any actual or potential adverse effects associated with capital dredging are appropriately managed. The Capital DMP may cross-reference or include relevant sections of the CEMP, particularly those relating to avifauna and other wildlife.
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108.	The Capital DMP must provide the following information: (a) A description of proposed works, together with drawings; (b) A description of the number and types of dredges to be used; (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works; (d) A description of dredging methodology to be used; (e) A description of how the location and quantities of Dredge Spoil and/or in situ seabed material are to be recorded; (f) A description of how the dredging contractor will coordinate with the reclamation contractor where dredged material is placed within the reclamation and associated decant-water discharge is occurring concurrently with dredging, including communication procedures and the measures available to modify or temporarily cease either activity where necessary to maintain compliance with the applicable turbidity and decant-discharge condition; (g) A description of the maintenance of equipment and systems that are to be used during dredging; (h) Community liaison arrangements, including arrangements for liaising with Channel Infrastructure and Northport; (i) A description of the storage and handling of hazardous substances during dredging; (j) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;
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	(k) A description of the outdoor lighting to be used to reduce the potential for bird strike and avifauna disturbance, in accordance with the certified AMP, for example targeting of luminaires and the use of shields or baffles; (l) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour; (m) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system (if a TSHD is used); (n) A description of all other relevant measures, systems, and training that will be implemented to manage adverse effects on the receiving environment during the operation of the dredge vessel; including implementation of the applicable requirements of the certified CBMP, management of waste, and refuelling. (o) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga, and to ensure compliance with the conditions of these consents and the Capital DMP; (p) Measures required to ensure compliance with relevant terrestrial noise limits in Condition 59 including the following matters: (i) Procedures for noise monitoring at the commencement of capital dredging for each dredge used to determine actual noise emissions; (ii) Ongoing monitoring methods and procedures to ensure compliance with the noise limits; (iii) Procedures for the promotion of the awareness of noise management for the crew of each dredging vessel, including maintenance of noisy plant or equipment; and (iv) A procedure for the receipt, response and management of any noise related complaints received during the dredging period. (q) Procedures to be implemented to manage underwater dredging noise; (r) Other relevant requirements specified in these conditions of consent (including other management plans); and (s) A Contingency response plan.
Certification	
109.	The Capital DMP must be certified in writing by the Council prior to capital dredging first commencing, and the consent holder must undertake capital dredging in accordance with the certified Capital DMP.
110.	Any material change to the Capital DMP must be subject to certification by the Council.

F3 – Environmental Monitoring and Management Plan

Environmental Monitoring and Management Plan (EMMP)

111.	At least 20 days prior to the commencement of baseline turbidity monitoring required by these conditions, the Consent Holder must submit an EMMP to the Council for certification.
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Objectives

112.	The objectives of the EMMP are: (a) <i>Turbidity monitoring and management</i>: to detail how capital dredging turbidity monitoring and management actions are implemented to ensure that turbidity during dredging does not exceed the expected background combined with the modelled turbidity, therefore ensuring that related effects on sensitive marine ecology (including SEAs) are within predicted levels; and (b) <i>Marine ecology assurance monitoring</i>: to facilitate the comparison of changes in the marine receiving environment caused by capital dredging with those predicted in the information filed in support of the resource consent application, including by: (i) Characterising the responses of surrounding sub-tidal and inter-tidal habitats and benthic communities to sediments suspended and deposited offsite during channel dredging, and subsequent changes after dredging is complete. (ii) Confirming whether benthic habitats and communities similar to those currently existing re-establish on the dredged basin once dredging is complete, and if not, determine why. (c) <i>Bathymetric and shoreline surveys</i>: to collect spatial data on the seabed and shoreline to assess any physical changes to the coastline and seabed that may result from the Project and potential actions if adverse changes associated with the Project are identified through monitoring.
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113.	The EMMP must include the following topics: <i>Turbidity monitoring and management</i> (a) The monitoring of turbidity during capital dredging, including the roles and responsibilities of the persons and groups involved in monitoring, data review and operational management; (b) The investigation and management responses to be implemented when turbidity exceeds a Tier 1 or Tier 2 trigger or when an Exceedance of the Tier 3 Compliance Level occurs; <i>Marine ecology assurance monitoring</i> (c) Detailed assurance monitoring survey methodologies providing for:
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	(i) sub-tidal marine ecology assurance monitoring in accordance with Conditions 146–147; (ii) inter-tidal marine ecology assurance monitoring in accordance with Conditions 148–150; (iii) the collection of assurance monitoring data on the following key physical and ecological indicators: (a) Sediment grain size; (b) The composition of sub-tidal and inter-tidal infaunal communities (including diversity, abundance, evenness); (c) The distribution and cover of seagrass and macroalgae beds; and (d) The presence (and/or abundance) and distribution of sub-tidal epifauna (or indicator species). (d) Where relevant, methodologies for the analysis of marine ecology assurance monitoring data collected; (e) A process for the refinement of the Marsden Bay seagrass monitoring area; <i>Bathymetric and shoreline surveys</i> (f) The methodologies, spatial extent, timing and reporting requirements for the bathymetric and shoreline surveys required by Conditions 155–158; <i>Miscellaneous</i> (g) The EMMP content requirements specified in other conditions of these consents; (h) Reporting requirements specified in these conditions of consent and otherwise needed to achieve the objectives of the EMMP; (i) Identification of the other management plans relevant to capital dredging, including the CEMP, Capital DMP, MMMP and applicable certified CBMP or OBMP, the respective functions of those plans, and the linkages and coordination procedures between them, including procedures for coordinating capital dredging with reclamation fill placement and reclamation decant-water discharge where concurrent activities may contribute to elevated turbidity; and (j) Documentation procedures for handling complaints relating to capital dredging; and (k) The membership, responsibilities and communication procedures of the CHPT responsible for reviewing monitoring data, coordinating dredge-management responses, maintaining records and preparing reports required by these conditions. The CHPT must collectively include expertise in dredge operations, marine environmental monitoring, hydrodynamics or sediment-plume behaviour, and environmental management.
Monitoring of turbidity	
114.	As part of the EMMP, the Consent Holder must detail how turbidity plumes during capital dredging are to be monitored to:

	(a) Confirm whether or not turbidity plumes exceed the turbidity triggers and Tier 3 Compliance Level that are to be specified under Condition 135; (b) Assess whether a turbidity event is determined to be an extraordinary natural event; and (c) Assess the relative contributions of dredging and non-dredging sources to observed turbidity.
115.	The EMMP must include the following details: (a) The monitoring equipment to be used, including the use of nephelometers; (b) The processes for pre deployment calibration, in-situ validation, routine maintenance and post deployment verification of monitoring equipment; (c) The processes for automated and manual data validation, data smoothing, identification and removal of erroneous data, treatment of missing records and final compliance assessment; (d) The location of the monitoring equipment; (e) The setting up and maintenance of monitoring equipment; (f) The establishment of real-time monitoring; (g) Data management; and (h) Quality assurance /quality control methods including management of missing and aberrant data.
Management Actions in Response to Turbidity Plumes	
116.	The EMMP must detail the management actions to be carried out in response to elevated turbidity as defined by the turbidity Tier 1 and Tier 2 triggers.
117.	To achieve the objective in Condition 112(a), the EMMP must include the following: (a) The rationale for the Tier 1 and Tier 2 management triggers and the Tier 3 Compliance Level; (b) Details of how the Tier 1 and Tier 2 triggers and Tier 3 Compliance Level are to be established in accordance with Conditions 135–140; (c) Following completion of baseline monitoring, the Intensity applicable at each telemetered turbidity monitoring station for the Tier 1 and Tier 2 triggers and Tier 3 Compliance Level; and (d) A description of the investigation and management responses applicable when elevated turbidity is identified, including the measures specified in Condition 119.
118.	The EMMP must also include procedures on: (a) Investigating whether the exceedance of the trigger is caused by capital dredging; and

	(b) Where necessary, increasing monitoring effort to better understand the characteristics of the turbidity causing an Exceedance, such as carrying out manual turbidity measurements in the vicinity of the monitoring station.
119.	The EMMP must include a suite of management-response measures that may be selected having regard to the cause, location and magnitude of the elevated turbidity, prevailing and forecast hydrometeorological conditions and predicted plume direction. The measures must include, as appropriate: (a) A change in the location of dredging; (b) A change in the dredging process, including timing of dredging within the tidal phase; and/or (c) The cessation of dredging in the vicinity of a telemetered turbidity monitoring station.
EMMP certification and amendment	
120.	The EMMP must be in general accordance with the draft EMMP in Appendix 9H to the substantive application.
121.	The EMMP must be certified in writing by the Council prior to commencement of pre-dredging baseline turbidity data collection or marine ecology assurance monitoring required by these conditions, and the consent holder must undertake capital dredging, and pre-, during-, and post-dredging marine ecology assurance monitoring and reporting, in accordance with the certified EMMP (including any certified variation).
122.	Any material change to the EMMP must be subject to certification by the Council.
F4 –Capital dredging turbidity monitoring	
Capital dredging turbidity monitoring	
123.	The Consent Holder must undertake a capital-dredging monitoring and reporting programme in accordance with Conditions 124–145.
124.	The telemetered turbidity monitoring stations must be operational whilst dredging is undertaken. If an instrument fails, or requires maintenance, dredging can only continue in the vicinity of that instrument if: (a) The instrument (or an equivalent) is replaced within 48 hours; and (b) Manual turbidity readings are collected on a 4 hourly basis during daylight hours.
125.	The purpose of the capital dredging monitoring programme is to: (a) Provide baseline water quality information to enable the calculation of trigger levels; and

	(b) Monitor capital dredging so that any management actions can be implemented to address unanticipated environmental effects.
126.	The consent holder must carry out baseline water quality monitoring required by Conditions 127 to 129 over a period of at least one (1) year, prior to the first commencement of capital dredging authorised by these consents.
127.	There must be no fewer than two (2) stations carrying out telemetered monitoring of turbidity (NTU) for the purposes of baseline water quality monitoring and capital dredging management.
128.	For the purposes of the baseline water quality monitoring, the consent holder must: (a) Monitor for turbidity (in NTU/FTU) at all locations and salinity at one location. Each parameter must be monitored at a frequency of not less than once every 15 minutes. The specific location of the water quality monitoring stations, the parameters to be monitored at each station, and the methodology and equipment to be used are to be detailed in the EMMP. (b) Monitor turbidity for at least 12 months, with a target of 95% data recovery over the 12 months. (c) At each monitoring location, monthly water sampling must be undertaken to contemporaneously record the TSS and NTU/FTU levels at that location.
129.	The monitoring programme contained in the EMMP must be designed and carried out by a SQEP who is suitably experienced in marine environment monitoring.
Reporting	
130.	The consent holder must prepare a baseline water quality monitoring report. The report must: (a) Present and discuss the results of baseline water quality monitoring; and (b) Detail the pre deployment calibration, in-situ field validation, data processing, and quality assurance. (c) Recommend any amendments to the EMMP for the purposes of future water quality monitoring required by these consents to change the location of a station(s) within the relevant zone or the monitoring parameters at each station, provided that the amended locations or monitoring parameters at the station better achieve the purpose of the EMMP.
131.	The baseline water quality monitoring report must be provided to the Council at least 20 working days prior to the first commencement of capital dredging. This report must be used to re certify the EMMP to set the turbidity triggers and Tier 3 compliance limit.

132.	During and after capital dredging, the consent holder must provide to the Council, at least quarterly, a report that summarises the: (a) Water quality monitoring data from the previous quarter and any monitoring or equipment issues that occurred during that period; (b) Details of equipment calibration, in situ field validation, data processing, and quality assurance. (c) Collation of other monitoring undertaken; and (d) Details of any Exceedance(s), the management response measures carried out and the results of monitoring after the management response measures have been completed.
133.	There must be no fewer than two (2) quarterly reports prepared immediately after capital dredging is completed.
134.	Within nine (9) months of the completion of capital dredging, the consent holder must provide the Council a Dredging Turbidity Monitoring and Management Report. The report must provide a summary of the turbidity monitoring and management response measures carried out during the capital dredging (excluding for marine ecology assurance monitoring, the requirements for which are set out below) and must include, but not be limited, to the following: (a) Summary of the turbidity monitoring undertaken; and (b) Summary of the management actions carried out and the results of monitoring after the management actions have been completed.

F5 – Turbidity triggers and Tier 3 compliance

Establishment of turbidity triggers and Tier 3 compliance level

135.	The consent holder must establish turbidity triggers and a Tier 3 Compliance Limit for each of the telemetered turbidity monitoring locations. There must be two (2) tiers of turbidity triggers and one (1) Tier 3 Compliance Limit, each with an Intensity and Allowable Duration value.
136.	The purpose of the turbidity triggers is to: a) Initiate a management action(s), as detailed in the EMMP and required under Conditions 116–119, in the event of a Tier 1 or 2 turbidity trigger exceedance; b) Cease dredging in the vicinity of a monitoring location in the case of an Exceedance of the Tier 3 Compliance Limit as set out in Conditions 142 to 144.
137.	Turbidity triggers and Tier 3 Compliance Levels must be established in accordance with the methodology (including the modified-Intensity-Frequency-Duration approach) in the document titled “Turbidity Monitoring for the Northport Expansion Project” (1 June 2023, Environmetrics Australia).

138.	Upon completion of the baseline water quality monitoring, the Intensity component of the turbidity triggers and Tier 3 Compliance Level for each telemetered turbidity monitoring location must be calculated using the baseline turbidity data referred to in Condition 128 plus the Predicted Dredging Turbidity at that location, using the methodology referred to in Condition 137.
139.	The consent holder must provide to the Council, at least 20 working days prior to commencement of capital dredging, a written report prepared by a Suitably Qualified and Experienced person which demonstrates that the turbidity triggers and Tier 3 Compliance Level have been established in accordance with Conditions 137 and 138.
140.	The report prepared under Condition 139 must be certified in writing by the Council's Compliance Manager prior to the first commencement of capital dredging authorised by these consents.
Tier 3 compliance levels and exceedance events	
141.	The telemetered turbidity monitoring stations required under Condition 127 are to be used to determine whether there has been a Tier 3 Compliance Level Exceedance.
142.	If a monitoring station records an Exceedance of the Tier 3 intensity value for more than 7.2 hours over a rolling 30-day period, capital dredging must cease in the vicinity of that monitoring station and only recommence in the following circumstances: (a) The number of Tier 3 "exceedance hours" has fallen below the 7.2 hours available at that station over a rolling 30-day period, or (b) The turbidity recorded at that station is less than the Tier 3 NTU/FTU intensity value calculated for that station; or (c) The exceedance is due to an extraordinary natural event as detailed in Condition 144.
143.	Methods for managing and achieving compliance with Condition 142 must be set out in the EMMP.
144.	Notwithstanding Condition 142, capital dredging may continue in the vicinity of a telemetered turbidity monitoring station provided that: (a) The consent holder provides the Council a written report, within 24 hours of a Tier 3 Compliance Level Exceedance referred to in Condition 142 which demonstrates that the elevated turbidity is due to an extraordinary natural event and not attributable to dredging; and (b) If the Council, acting in its technical capacity, disagrees with the findings of the report the capital dredging must cease in the vicinity of the affected monitoring station(s) and only recommence in accordance with Conditions 142(a) and 142(b). If the Council provides no written response after two (2) working days then it is deemed that the Council agrees with the findings of the report prepared under Condition 144(a) and dredging may continue.

	Advice Note: An extraordinary natural event should be a significant and self-evident natural event that has clearly caused an Exceedance of the Tier 3 Compliance Level at one (1) or more of the turbidity monitoring stations. The high concentration turbidity plumes would have been generated from events such as a tsunami, a weather event causing significant flooding, extreme swells, or a land slip.
145.	The consent holder must place a copy of the report prepared under Condition 144(a) on its website.
F6 – Marine ecology assurance monitoring and reporting	
Sub-tidal monitoring	
146.	The consent holder must undertake marine benthic ecology assurance monitoring of sub-tidal biota and sediments: (a) In accordance with the certified EMMP.
147.	The spring/summer and autumn/winter sampling rounds required in Condition 146 must be as close to six (6) months apart as practicable.
Inter-tidal monitoring	
148.	The consent holder must undertake marine ecology assurance monitoring of inter-tidal infauna, sediments, and seagrass: (a) In accordance with the certified EMMP.
149.	The spring/summer and autumn/winter sampling rounds required in Condition 148 must be as close to six (6) months apart as practicable.
150.	The Marsden Bay seagrass monitoring required by Condition 148 must include either: a) The mapping of seagrass at Marsden Bay using georeferenced and ortho-corrected photogrammetry obtained by UAV (drone) survey; or if this is not practicable; b) Video transects through intertidal and subtidal seagrass beds. The initial survey area must be in general accordance with the EMMP.
Marine ecology assurance monitoring reporting	
151.	After the completion of each set of annual (i.e. spring/summer and autumn/winter) marine ecology assurance monitoring required by these consents, the consent holder must engage a SQEP marine ecologist to produce a report detailing the assurance monitoring undertaken

	during that period, including with reference to any previous assurance monitoring in order to illustrate any relevant trends over time.
152.	Each monitoring report required under Condition 151 must be provided to the Council within three (3) months of the completion of the relevant set of annual marine ecology assurance monitoring.
153.	The last monitoring report covering the period 3-years after dredging is completed in accordance with Conditions 146 and 148, must consider and assess whether the observed ecological effects of dredging are within the bounds of those anticipated in the Assessment of Marine Ecological Effects report lodged as Appendix 15 of the substantive application. If the observed effects exceed those anticipated, the Consent holder must engage a suitably qualified and experienced person to assess whether benthic habitats and communities are recovering, but at a lower than anticipated rate; and: (a) If so, provide an estimate of likely timeframes for residual effects to resolve and recommendations on further monitoring to track that recovery; and (b) If recovery is not occurring, to assess the reasons why and options, including a proposal for remedying or mitigating those effects.
154.	In the event that Condition 153(b) applies, and following certification by the Council, the consent holder must implement the proposed remediation or mitigation measures to the satisfaction of the Council.
F7 – Bathymetric and shoreline monitoring	
155.	The Consent Holder must undertake bathymetric and shoreline monitoring within Marsden Bay to identify any changes in seabed and shoreline elevation that may be attributable to the Project.
156.	The monitoring required by Condition 155 must: (a) Include coordinated hydrographic, intertidal and subaerial surveys as described in the certified EMMP. (b) Cover the areas of Marsden Bay identified in the certified EMMP as potentially subject to long-term change arising from the Project; and (c) Be undertaken using methods that enable reliable comparison between monitoring rounds.
157.	The monitoring must be undertaken: (a) Following completion of each stage of the development involving reclamation, capital dredging or other works capable of materially affecting seabed or shoreline elevations within Marsden Bay; and

	(b) At least annually for a period of not less than five years following completion of the final stage of those works.
158.	Within three months after each monitoring survey, the Consent Holder must provide the Council with a report prepared by a Suitably Qualified and Experienced coastal process specialist that: (a) Presents the monitoring results; (b) Compares the results with previous monitoring rounds; (c) Assesses any identified changes in seabed or shoreline elevation in the context of available wave and water-level data from the Marsden Point Wave Rider Buoy or an equivalent monitoring source; (d) Assesses whether any material change is attributable, in whole or in part, to the Project; and (e) Recommends whether any further monitoring, investigation, remediation or mitigation is required.
PART G – MAINTENANCE DREDGING	
G1 – General maintenance-dredging controls	
159.	Maintenance dredging must not be undertaken between 1 October and 31 January inclusive unless it is necessary to do so as a result of unforeseen events or there is no practicable alternative timing.
160.	Maintenance dredging must: (a) Only be undertaken within the authorised maintenance dredging footprint shown on the certified plans at Appendix 6; (b) Not exceed the declared depths and any authorised over-dredge tolerance confirmed through the certified Maintenance DMP.
161.	Except for urgent dredging required for navigational safety or stability of structures, at least ten (10) working days in advance of the date of the commencement of a maintenance dredging programme associated with these consents, the consent holder must: (a) Notify the Council of the intended maintenance dredging; (b) Advertise the intended maintenance dredging in the Northern Advocate (or equivalent); and (c) Advise the anticipated location and timing of maintenance dredging on the project website.

162.	The consent holder must ensure that a copy of this consent is provided to the person who is to carry out the dredging, prior to any work commencing. A copy of the consent must be held on the dredger.
163.	When any maintenance dredging is carried out, the consent holder must record the periods of dredging, the method of dredging and the quantities of material dredged (in cubic metres) and must provide these records to the Council within twenty (20) working days after the maintenance dredging work is completed.
164.	Maintenance dredging must not cause any of the following effects on the quality of the receiving waters, as measured at or beyond 100 metres from the boundary of the authorised maintenance dredging area shown on the plans in Appendix 6: (a) Turbidity must not increase by more than 33% above background turbidity, or visual clarity measured by Secchi depth must not decrease by more than 33% relative to background conditions at the time of measurement; (b) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and (c) The destruction of natural aquatic life by reason of a concentration of toxic substances.
165.	During maintenance dredging, visual checks of the receiving waters must be carried out at least daily. If a visual check identifies a conspicuous change in water clarity that may be attributable to maintenance dredging, monitoring must be undertaken to assess compliance with Condition 164 and the results must be reported in accordance with Condition 166.
166.	The results of monitoring undertaken under Condition 165 must be provided to the Council within one (1) week after the monitoring is completed, or within 24 hours where the monitoring identifies non-compliance with Condition 164.
167.	Except for incidental dredging discharges authorised by these consents, all material removed by maintenance dredging must be: (a) Placed within the reclamation authorised by these consents, where that reclamation remains available and authorised to receive the material; (b) Deposited on land at Marsden Point owned by the Consent Holder, Northport Limited, or Marsden Maritime Holdings Limited, where that deposition is authorised; or (c) Deposited at another appropriately authorised location.
168.	The consent holder must notify the Council within ten (10) working days following the date of the completion of a maintenance dredging programme associated with these consents.
169.	On completion of a maintenance dredging programme, the consent holder must provide to the Council a bathymetric plan defining the location and depth of the dredging area and batters within the CMA. The plan must include GPS co-ordinate data (using Transverse Mercator 2000).

G2 – Maintenance Dredging Management Plan

170.	At least three (3) months prior to maintenance dredging commencing, the consent holder must submit to the Council a Maintenance Dredging Management Plan (Maintenance DMP) for certification. The objective of the Maintenance DMP is to describe the maintenance dredging plant, work methodologies, and environmental management systems to be used to ensure that potential adverse effects associated with maintenance dredging are appropriately managed.
171.	The Maintenance DMP must provide the following information: (a) A description of proposed works, together with drawings; (b) A description of the number and types of dredges to be used; (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works; (d) A description of dredging methodology to be used; (e) A description of how the location and quantities of Dredge Spoil are to be recorded, and (if necessary) evidence that the dredge spoil disposal location is appropriately authorised; (f) A description of the maintenance of equipment and systems that are used during dredging; (g) Community liaison arrangements, including Channel Infrastructure and Northport; (h) A description of the storage and handling of hazardous substances during dredging; (i) Protocols for managing accidental discharge of sediments or other contaminants into the CMA; (j) A description of the outdoor lighting to be used to reduce the potential for bird strike and avifauna disturbance, in accordance with the certified AMP, for example targeting of luminaires and the use of shields or baffles; (k) A description of measures to manage potential conflicts between the maintenance dredging programme and organised sporting or recreational events in Whangārei Harbour; (l) Where a trailing suction hopper dredger is proposed, a description of any turbulence-reducing green or environmental valve to be incorporated into the overflow system; (m) A description of all other relevant measures, systems, and training that will be implemented to manage adverse effects on the receiving environment during the operation of the dredge vessel; including implementation of the applicable requirements of the certified CBMP or OBMP, management of waste, and refuelling. (n) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga, and to ensure compliance with the conditions of these consents; (o) Procedures to manage underwater noise generated by maintenance dredging, including procedures for receiving, investigating and responding to underwater or terrestrial noise complaints;

	(p) Other relevant requirements specified in these conditions of consent (including other management plans); and (q) Contingency responses and incident reporting.
172.	The Maintenance DMP must be certified in writing by the Council prior to maintenance dredging first commencing, and the consent holder must undertake maintenance dredging in accordance with the certified Maintenance DMP (including any certified variation).
173.	Any variation to the Maintenance DMP must be subject to certification by the Council.
174.	The consent holder must provide the Maintenance DMP, and any variations to the Maintenance DMP, to Channel Infrastructure within ten (10) working days of the document's certification by the Council.
Navigation signals	
175.	Appropriate navigation signals must be shown at all times during dredging activities.
PART H – COMMISSIONING AND OPERATION	
H1 – Navigation safety	
176.	At least three months before the Facility is first commissioned for vessel berthing, maintenance, repair or haul-out, the Consent Holder must submit the NSMP to the Council for certification.
177.	The purpose of the NSMP is to establish the operational navigation safety framework for the Facility and the procedures and controls for the safe movement, manoeuvring, berthing, mooring and haul-out of vessels.
178.	The NSMP must: (a) Be prepared by a Suitably Qualified and Experienced navigation safety specialist; (b) Identify the roles and responsibilities for navigation safety management; (c) Identify the vessel dimensions, draft, displacement, trim and other characteristics relevant to determining whether a vessel can safely use the Facility; (d) Specify the environmental and operational limits applying to vessel movements, including relevant wind, tide, current, under-keel-clearance, pilotage and tug requirements; (e) Include procedures for assessing proposed vessel movements against the operational requirements specified in the NSMP; (f) Include controls applying to the position and use of vessels at the layby berth during movements into or out of the vessel lifting system;

	(g) Include communication and coordination procedures with the Harbourmaster, pilots, tug operators, Northport and other relevant harbour operators; (h) Identify any aids to navigation required to delineate the approach channel, manoeuvring area or turning basin; (i) Include emergency and contingency procedures, including procedures applying during severe storm or cyclone events; and (j) Include evidence of consultation with the Whangarei Harbour Safety Committee.
179.	The Facility must not be commissioned for vessel berthing, maintenance, repair or haul-out until the NSMP has been certified by the Council.
180.	The Consent Holder must operate the Facility in accordance with the certified NSMP.
181.	Any amendment to the certified NSMP must be made in accordance with Conditions 9–11.
H2 – Operational biosecurity	
Operational Biosecurity Management Plan	
182.	At least 60 Working Days before the Facility first receives a vessel for cleaning, repair or maintenance, the Consent Holder must submit an OBMP to the Council for certification.
183.	The purpose of the OBMP is to manage biosecurity risks associated with operation of the Facility. The OBMP must be prepared by a Marine Biosecurity Specialist and must include: (a) Vessel enquiry, pre-arrival screening and risk-assessment procedures; (b) Procedures for assigning vessels and activities to appropriate biosecurity-management pathways; (c) Criteria for identifying when approval, clearance, direction or other authorisation is required from MPI, the Council or another statutory authority; (d) Procedures and controls for managing biofouling, retained water, sediment and other potentially viable marine biological material associated with vessels, equipment and operational activities; (e) Procedures for capturing, containing, treating, storing, transporting and disposing of Biosecurity-relevant waste; (f) Inspection and operational requirements for containment, treatment, drainage and storage systems; (g) Procedures for responding to suspected Marine Pests, disease signs, containment failures and unauthorised releases; (h) Roles, responsibilities, training, monitoring, record-keeping and reporting requirements; and (i) Procedures for reviewing and amending the OBMP.

184.	The Facility must not receive a vessel for cleaning, repair or maintenance until the OBMP has been certified by the Council.
185.	The Consent Holder must operate the Facility in accordance with the certified OBMP.
186.	An activity that may remove, disturb, mobilise or release biofouling, sediment, retained water or other potentially viable marine biological material must not commence unless: (a) The vessel or activity has completed the screening and pathway assignment procedures required by the certified OBMP; (b) Any approval, clearance, direction or other statutory authorisation required for the activity has been obtained; and (c) The containment, treatment, storage and disposal systems required by the certified OBMP are operational and have sufficient available capacity.
187.	The Consent Holder must ensure that Biosecurity relevant waste generated at the Facility is: (a) Captured and contained; (b) Prevented from entering the CMA or general stormwater system through an unauthorised pathway; and (c) Treated, stored, transported and disposed of in accordance with the certified OBMP.
188.	While a vessel is afloat at a berth associated with the Facility, biofouling, sediment or other potentially viable marine biological material must not be intentionally removed or disturbed in a manner that releases Biosecurity-relevant waste to the CMA.
Biosecurity incident response, records and review	
189.	Where a suspected Marine Pest or disease sign is discovered, Biosecurity relevant waste is released to the CMA or enters the general stormwater system through an unauthorised pathway, a containment, treatment or storage system fails, overflows, leaks, becomes blocked or is bypassed, or retained water, sediment or other potentially viable biological material is discharged through an unauthorised pathway, the Consent Holder must: (a) Cease the activity causing or contributing to the incident as soon as it is safe to do so; (b) Isolate the affected vessel, equipment, work area, drain or waste stream; (c) Prevent any further release; (d) Recover and contain released material where safe and practicable; (e) Implement the relevant incident-response procedures in the certified CBMP or OBMP; and (f) Not recommence the affected activity until the biosecurity pathway has been controlled.
190.	The Consent Holder must notify the Council:

	(a) Immediately where an incident has resulted in an uncontrolled release of Biosecurity relevant waste to the CMA; (b) As soon as practicable and no later than 24 hours after discovery of a suspected Marine Pest or disease sign; and (c) Within one (1) Working Day of any other incident that has resulted, or may result, in more than a minor biosecurity risk. Where notification to MPI is required under the Biosecurity Act 1993 or another enactment, including in relation to a suspected unwanted or notifiable organism or exotic disease, the Consent Holder must also notify MPI in accordance with that enactment.
191.	Within five (5) Working Days after an incident notified under Condition 190, the Consent Holder must provide the Council with a written report that includes: (a) The date, time and location of the incident; (b) The vessel, equipment, activity or waste stream involved; (c) The nature and estimated extent of the incident; (d) The immediate response actions undertaken; (e) Any notifications made to other statutory authorities; (f) Corrective actions undertaken or proposed; and (g) Measures proposed to prevent recurrence.
192.	The Consent Holder must review the certified OBMP following a significant biosecurity incident, repeated non-compliance, or any material change in biosecurity risk, operational methodology, infrastructure or applicable statutory requirements. Any amendment arising from the review must be made in accordance with Conditions 9–11.
Advice Note: <i>Nothing in these conditions authorises an activity that requires approval, clearance, direction or other authorisation under the Biosecurity Act 1993, Maritime Transport Act 1994, Northland Regional Pest and Marine Pathway Management Plan or any other enactment. Certification confirms only that a management plan contains the information required by these conditions.</i>	
H3 – Operational stormwater and process water design and commissioning	
Detailed stormwater engineering plans and supporting design report	
193.	At least 40 working days before construction of the permanent Shipyard stormwater system commences, the Consent Holder must submit detailed stormwater engineering plans and a supporting design report to the Council for certification.

194.	The detailed stormwater engineering plans and supporting design report required under Condition 193 must be prepared by a Chartered Professional Engineer and include: (a) The final stormwater catchments, contaminant-source areas and contaminant risk classifications; (b) The stormwater and process-water drainage layouts, including the means of segregating stormwater and process water; (c) The location of stormwater discharge points and internal monitoring points; (d) The selection, sizing and specifications of the stormwater pre-treatment devices for each catchment; (e) The collection, containment and isolation measures for washwater, drydock water and other process water; (f) The design of the stormwater conveyance system, including the collection canals, crossings and spillways; (g) A hydraulic assessment demonstrating that the stormwater conveyance system can accommodate the design flows and addressing: (i) The western linking canal and Canal 3 constraints; (ii) The connection to the Northport treatment pond; (iii) Exceedance flows and spillway operation; and (iv) Avoidance of adverse hydraulic interaction with the MMH stormwater system; (h) The bunding, shut-off, spill-containment and isolation measures for higher-risk operational areas; and (i) Drawings showing the stormwater and process-water systems and the matters required by paragraphs (a)–(h).
Construction and commissioning	
195.	The Shipyard stormwater system must be constructed in accordance with the certified Detailed Stormwater Engineering Plans and Supporting Design Report.
196.	No operational discharge from the Facility may commence until the Consent Holder has provided the Council with a commissioning report prepared by a Chartered Professional Engineer confirming that the Shipyard stormwater system has been constructed in accordance with the certified detailed stormwater engineering plans.
H4 – Operational stormwater and process-water requirements	
197.	All rainfall runoff from the Facility must, before entering the Northport stormwater system: (a) Be collected within the Shipyard stormwater system; (b) Be segregated according to source and contaminant risk;

	(c) Receive the pre-treatment specified in the certified detailed stormwater engineering plans; and (d) Pass through a representative internal monitoring point required by these conditions.
198.	Stormwater from a catchment in which a high-risk operational activity is occurring must not be discharged to the Northport stormwater system unless: (a) The high-risk activity has ceased; (b) All process water and operational residues have been removed or contained; (c) The catchment and drainage system have been inspected in accordance with the certified SMP; and (d) The catchment has been returned to stormwater mode in accordance with the certified SMP.
Process water	
199.	Process water must be collected, contained and kept separate from the Shipyard stormwater system and the Northport stormwater system.
200.	Process water must be: (a) Discharged to the Whangārei District Council wastewater system in accordance with a current trade-waste approval; or (b) Removed by an authorised waste contractor to a facility lawfully able to receive it. Advice Note: <i>These resource consents do not authorise a discharge to the Whangārei District Council wastewater system.</i>
201.	A high-risk operational activity must not commence unless: (a) The relevant catchment has been placed in trade-waste mode; (b) The isolation, containment and process water collection systems are operational; and (c) Sufficient available storage or authorised disposal capacity exists to manage the process water reasonably expected to be generated by the activity.
H5 – Stormwater Operations, Monitoring and Maintenance Plan	
202.	At least 40 Working Days before the first operational discharge, the Consent Holder must submit an SMP to the Council for certification.
203.	The purpose of the SMP is to set out the procedures for operating, monitoring and maintaining the Shipyard stormwater system so that: (a) Stormwater and process water remain effectively segregated;

	(b) Process water is discharged or disposed of only through an authorised pathway; (c) Stormwater discharged to the Northport stormwater system is appropriately pre-treated and monitored; (d) Spills, system failures and elevated contaminant concentrations are identified and responded to promptly; and (e) The operational stormwater effects remain within the effects envelope assessed in the substantive application.
204.	The SMP must include: (a) Roles, responsibilities and 24-hour contact details; (b) Procedures for operating the Shipyard stormwater system, including changing catchments between stormwater mode and trade-waste mode; (c) Procedures for managing high-risk operational activities and process water; (d) Inspection, maintenance and cleaning requirements for treatment devices, canals, sumps and spillways; (e) Contingency procedures for spills, system failures, exceedance flows and periods when the Northport stormwater system or lawful process-water disposal pathway is unavailable; (f) Stormwater monitoring, sampling, record-keeping and reporting procedures; and (g) Procedures for reviewing and updating the SMP where operational activities or contaminant risks change.
205.	Operational stormwater discharges must not commence until the SMP has been certified by the Council.
206.	The Consent Holder must operate, monitor and maintain the Shipyard stormwater system in accordance with the certified SMP.
H6 – Operational stormwater monitoring and reporting	
207.	The Consent Holder must establish and maintain representative internal stormwater monitoring points: (a) Downstream of the applicable Shipyard pre-treatment devices; (b) Before stormwater from the Facility mixes with runoff from Northport or another catchment; and (c) At each materially different discharge pathway where a single monitoring point would not provide a representative sample of the stormwater discharged from the Facility.
208.	The Consent Holder must undertake stormwater monitoring at the internal monitoring points established under Condition 207, in accordance with Schedule SW-1 and the certified SMP.

209.	Stormwater discharged from the Facility to the Northport stormwater system must comply with the limits in Schedule SW-1 at each applicable internal monitoring point.
210.	If a limit in Schedule SW-1 is exceeded the Consent Holder must: (a) Advise the Council and Northport within 24 hours of the discharge being detected; and (b) Immediately stop or isolate the affected discharge where safe to do so; (c) Investigate the cause; (d) implement corrective action; and (e) not recommence discharge from the affected catchment until the cause has been rectified and the relevant drainage and treatment systems are operating correctly.
211.	The Consent Holder must retain records required by the SMP, including records of high-risk activity changeovers, process-water disposal, inspections, maintenance, monitoring, spillway activations, incidents, exceedances, staff training and complaints, for at least 10 years. The records must be provided to the Council within five Working Days of request.
H7 – Operational air quality management	
Air quality management plan	
212.	The Consent Holder must submit an Air Quality Management Plan (AQMP) to the Council for certification at least three months prior to the commencement of operational vessel maintenance activities that may discharge contaminants to air. The AQMP must be prepared in general accordance with the draft AQMP in Appendix 9E to the substantive application.
213.	The purpose of the AQMP is to set out the procedures, monitoring, trigger levels, response actions, record-keeping and reporting requirements for managing discharges to air from operational vessel maintenance activities so that: (a) Dust, particulate matter, paint overspray, coating contaminants and odour do not cause offensive or objectionable effects beyond the boundary of land or structures owned or occupied by the Consent Holder; (b) Discharges do not result in adverse human health effects at sensitive receptors; and (c) Paint overspray, coating contaminants, blasting residue, spent media, dust and particulate matter are prevented, as far as practicable, from entering the CMA.
214.	The AQMP must be prepared by a SQEP and must include, as a minimum: (a) A description of operational air discharge sources; (b) Procedures for surface preparation, including high-pressure water blasting, ultra-high-pressure water jetting, wet abrasive blasting and dry abrasive blasting;

	(c) Procedures for spray painting, brush painting and roller painting; (d) Procedures for managing spray coating, including coating-specific application restrictions, wind and visual monitoring, physical screening, encapsulation, extraction, filtration, application rate controls and activity reduction or cessation responses; (e) Procedures for dry abrasive blasting encapsulation; (f) Procedures for identifying and managing contaminated coatings; (g) Procedures for collection and disposal of spent media, paint flakes, removed coatings, corrosion products, marine growth and other surface preparation residues; (h) Procedures for managing dust and particulate matter from welding, grinding, cutting and other metal working activities; (i) Wind monitoring requirements; (j) Real-time TSP monitoring requirements; (k) Visual dust and overspray monitoring requirements; (l) Odour monitoring and response procedures; (m) The trigger levels and response actions for dust, particulate matter, overspray and odour, including circumstances requiring physical screening, encapsulation, reduction of coating application rates or cessation of the relevant activity; (n) Staff and contractor training requirements; (o) Complaint response procedures; (p) Record keeping and reporting requirements; and (q) Procedures for ensuring dry abrasive blasting, coating removal, spray coating, and other high-risk vessel maintenance activities are undertaken with containment, capture, treatment and disposal measures appropriate to the contaminant risk; (r) Procedures for preventing overspray, spent abrasive, paint flakes, corrosion products and other operational residues from entering the CMA; and (s) Procedures for coordinating AQMP controls with stormwater shut-off, washwater capture and trade waste / authorised disposal requirements.
215.	The Consent Holder must not commence operational vessel maintenance activities that may discharge contaminants to air until the AQMP has been certified by the Council.
216.	The Consent Holder must undertake all operational vessel maintenance activities that may discharge contaminants to air in accordance with the certified AQMP.
General operational air discharge performance standard	
217.	Operational vessel maintenance activities must not cause offensive or objectionable dust, particulate matter, paint overspray, coating contaminants or odour beyond the boundary of land or structures owned or occupied by the Consent Holder.

218.	The Consent Holder must take all practicable measures to prevent paint overspray, coating contaminants, blasting residue, spent media, dust and particulate matter generated by operational vessel maintenance activities from entering the CMA.
Operational vessel maintenance controls	
Spray painting	
219.	Spray coating must be undertaken in accordance with the certified AQMP.
220.	A coating containing any of the compounds listed in (d) below must only be: (a) Applied by brush or roller; or (b) Applied by spray within encapsulation, with air from the encapsulated area appropriately extracted and treated before discharge; or (c) Be undertaken via an alternative application method certified by a suitably qualified and experienced air quality specialist as providing an equivalent or better level of contaminant control. (d) The compounds subject to this condition are: (i) copper oxide, CAS 1317-38-0; (ii) copper(I) oxide, CAS 1317-39-1; (iii) pyrrhione zinc, CAS 13463-41-7; (iv) crystalline silica – quartz, CAS 14808-60-7; (v) titanium dioxide, CAS 13463-67-7; or (vi) zinc oxide, CAS 1314-13-2.
221.	Spray application of a coating containing hexamethylene diisocyanate monomer, CAS 822-06-0, must: (a) Be undertaken within encapsulation; (b) Use mechanical extraction; and (c) Direct extracted air through a two-stage filtration system; or (d) Be undertaken via an alternative application method certified by a suitably qualified and experienced air quality specialist as providing an equivalent or better level of contaminant control.
Surface preparation and abrasive blasting	
222.	Dry abrasive blasting must only be undertaken within encapsulation.

223.	Garnet must be the only abrasive media used for abrasive blasting, unless an alternative abrasive media is certified by the Council on the basis of written advice from a SQEP air quality specialist demonstrating that the alternative media will achieve equivalent or better air quality outcomes.
224.	Surface preparation activities must be undertaken in accordance with the certified AQMP and managed so that particulate matter, spent abrasive media, removed coatings, corrosion products, marine growth and other residues are contained within the active work area to the extent practicable and do not cause an offensive or objectionable effect beyond the boundary of land or structures owned or occupied by the Consent Holder.
225.	Where a coating is identified as containing lead, mercury or tributyltin, it must be removed by vacuum blasting using filtration that removes at least 99.9% by mass of particulate matter from the extracted air before discharge, or by an alternative method certified by a suitably qualified and experienced air quality specialist as achieving an equivalent or better level of containment, capture and filtration.
Welding, grinding, cutting and metal working	
226.	Welding, grinding, cutting and other metal working activities must be undertaken in accordance with the certified AQMP and managed so that particulate discharges do not cause offensive or objectionable effects beyond the boundary of land or structures owned or occupied by the Consent Holder.
Operational air quality monitoring and response	
Wind monitoring	
227.	Prior to the commencement of operational vessel maintenance activities, the Consent Holder must install and operate a wind sensor near the drydock or ship lift at a height of between 5 m and 10 m above ground level, unless an alternative location or height is certified by the Council on the basis of written advice from a SQEP air quality specialist. The sensor must be located in a position that enables a representative sample of current conditions.
Real-time TSP monitoring	
228.	Prior to the commencement of operational vessel maintenance activities, the Consent Holder must install and operate no fewer than three portable real-time TSP monitors.
229.	The TSP monitors must be positioned having regard to the location of active work areas, prevailing and forecast wind direction and nearby receptors, so that the monitoring arrangement provides representative upwind and downwind information.

230.	The TSP monitors must be connected to a telemetry system capable of sending alerts to nominated site personnel when a trigger level specified in Condition 231 is exceeded.
231.	The following trigger levels and response actions apply, based on the one hour average TSP concentration recorded by a real time TSP monitor: (a) 150 µg/m³: investigate the likely source of the elevated concentration and, where it may be attributable to activities at the Facility, inspect the relevant activity and implement any additional practicable mitigation; (b) 200 µg/m³: where the elevated concentration may be attributable to activities at the Facility, immediately reduce, modify or temporarily suspend the activity causing or contributing to the particulate discharge and implement any additional practicable mitigation; and (c) 250 µg/m³: where the elevated concentration may be attributable to activities at the Facility, immediately cease the activity causing or contributing to the particulate discharge and not recommence that activity until the cause has been investigated, the one-hour average TSP concentration has reduced below 200 µg/m³, and any additional mitigation necessary to prevent recurrence has been implemented.
Odour monitoring and response	
232.	Operational vessel maintenance activities must not cause persistent offensive or objectionable odour beyond the boundary of land or structures owned or occupied by the Consent Holder.
233.	Where an odour complaint is received, or monitoring identifies potential non-compliance with Condition 232, the Consent Holder must investigate the cause as soon as practicable and implement any additional mitigation necessary to prevent recurrence, in accordance with the certified AQMP.
Operational air quality records and reporting	
Records and reporting	
234.	The Consent Holder must maintain records in accordance with the certified AQMP of operational vessel maintenance activities with the potential to discharge contaminants to air, associated monitoring results, trigger exceedances, complaints, equipment malfunctions and corrective actions.
235.	The operational air quality records required by these conditions and the certified AQMP must be retained for at least five years and provided to the Council within five working days of a written request.

236.	The Consent Holder must provide an annual air quality report to the Council by 30 June each year following commencement of operational vessel maintenance activities. The report must summarise: (a) Air quality monitoring undertaken; (b) TSP trigger exceedances and responses; (c) Offensive or objectionable dust, overspray or odour incidents; (d) Complaints and corrective actions; (e) Any failure of containment, extraction, filtration or monitoring equipment that may have materially affected environmental performance; and (f) Any recommended amendment to the certified AQMP.
H8 – Operational lighting	
Operational phase lighting	
237.	The consent holder must design, install and operate permanent external lighting in accordance with the certified AMP to minimise adverse effects on coastal avifauna, including by avoiding unnecessary illumination of adjacent intertidal habitat, roosting areas, potential shorebird nesting habitat, potential kororā habitat, Blacksmiths Creek, and existing shorebird roosting habitat that may be affected by operation of the Project.
238.	Permanent external lighting must: (a) Be limited to the minimum illumination necessary for safe operation, navigation and security; (b) Be directed downward where practicable; (c) Be shielded or hooded to minimise horizontal, vertical and seaward light spill; (d) Avoid, as far as reasonably practicable, adverse effects on port activities. (e) Avoid as far as reasonably practicable, unnecessary illumination of adjacent intertidal habitat, roosting areas, potential shorebird nesting habitat and potential kororā habitat; and (f) Avoid, as far as reasonably practicable, direct light spill towards Blacksmiths Creek, the adjacent intertidal flats and existing shorebird roosting habitat that may be affected by Project construction activities.

PART I – COMPLIANCE, REPORTING AND REVIEW

II – Complaints

Complaints Register

239.	The Consent Holder must maintain a Complaints Register for complaints received in relation to the exercise of these resource consents. The Complaints Register must record, where the information is available: (a) Name of complainant, if provided to the consent holder; (b) The date and time of the complaint; (c) A description of the complaint; (d) The location of the issue raised; (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant); (f) Any possible cause of the issue raised; (g) Any investigations that the consent holder undertook in response to the complaint; (h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action; and (i) Any feedback provided to the complainant.
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General records and reporting

240.	The consent holder must provide a copy of the complaints register to the Council's Compliance Manager within five (5) working days of receiving a request to do so from the Council.
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Schedule SW-1 – Stormwater Compliance Limits

The requirements in this schedule apply at each applicable internal monitoring point before stormwater from the Facility mixes with runoff from Northport or any other catchment.

Analyte	Fraction / analytical basis	Limit	Unit
pH	Field measurement	6.5–9.0	pH units
Total suspended solids	Total	100	mg/L
Total petroleum hydrocarbons	Total: C7–C36	15	mg/L
Total copper	Total	0.010	mg/L
Total lead	Total	0.044	mg/L
Total zinc	Total	0.150	mg/L
Total nickel	Total	0.059	mg/L
Total aluminium	Total for pH>6.5	0.055	mg/L
Tributyltin	Total Sn/I	0.0006	mg/L
Ammoniacal nitrogen (NH ₄ -N)	Total	1.86	mg/L
Acenaphthene *	Total	0.058	mg/L
Anthracene	Total	0.0001	mg/L
Benzo(a)anthracene *	Total	0.00018	mg/L
Benzo(a)pyrene	Total	0.001	mg/L
Fluoranthene	Total	0.01	mg/L
Fluorene *	Total	0.03	mg/L
Naphthalene	Total	5	mg/L
Phenanthrene	Total	0.006	mg/L
Pyrene *	Total	0.00025	mg/L

DRAFT PROPOSED CONDITIONS – RMA APPROVALS (NRC)

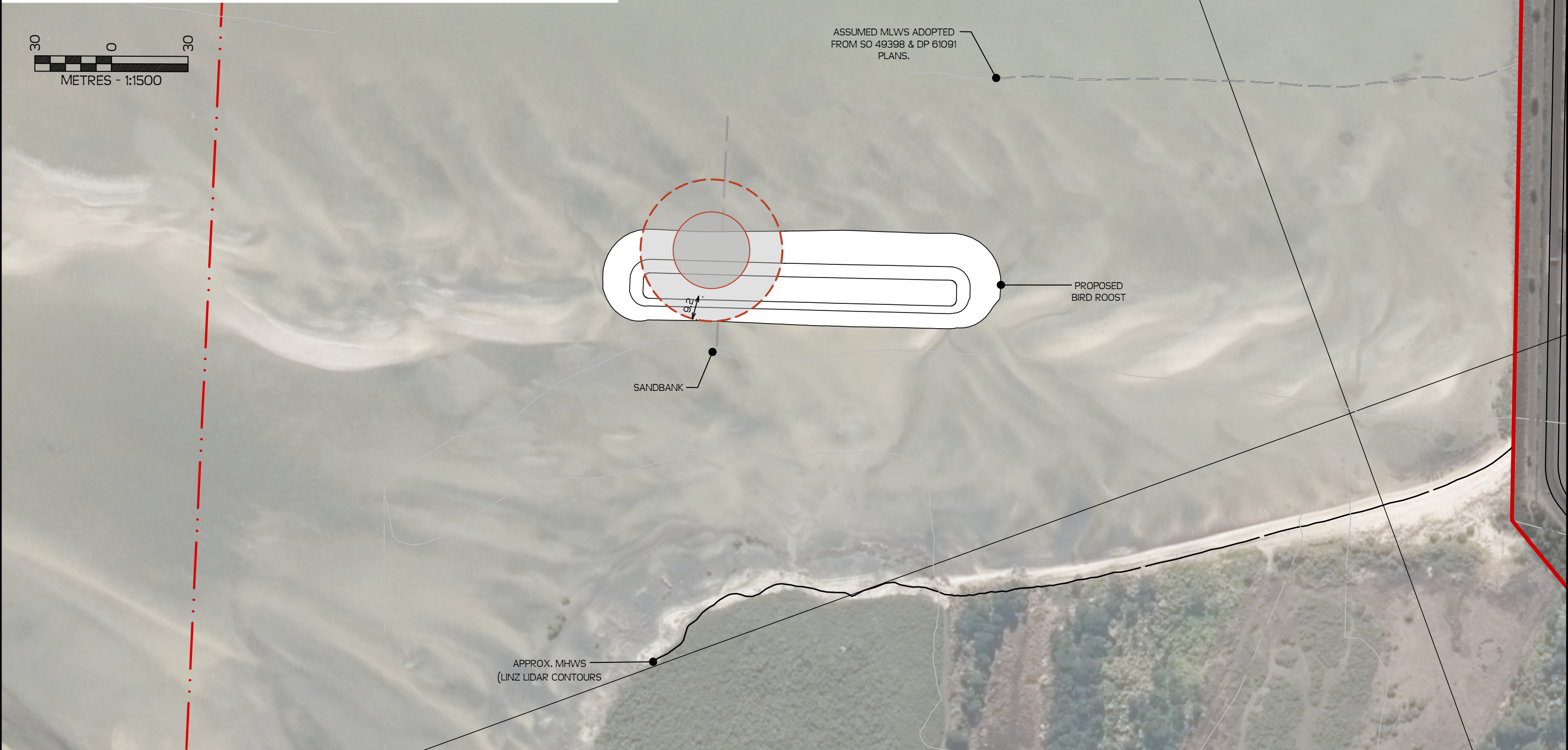
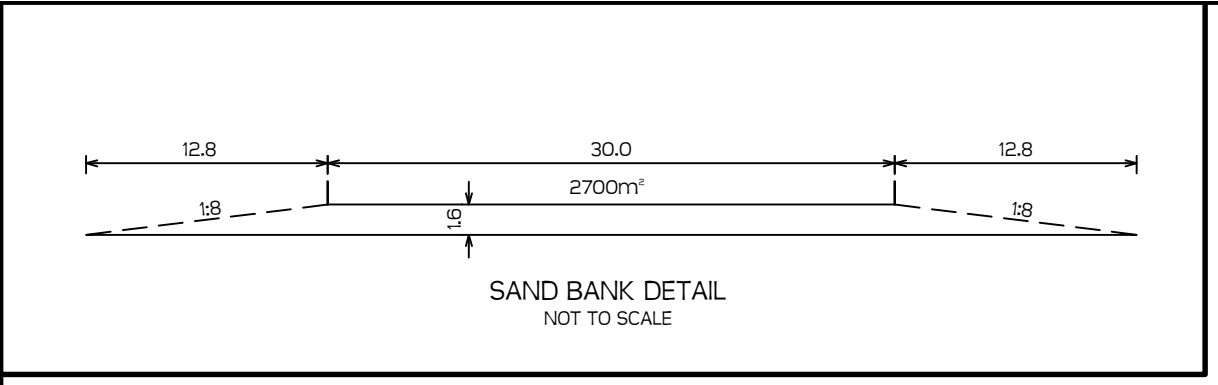
HIGH-TIDE BIRD ROOST

Condition	Condition / text
GENERAL CONDITIONS	
1.	The activities authorised by this consent must be undertaken in general accordance with the application and supporting information, including Drawing O18777, Sheet 1/1, Revision A, dated August 2026 (Attachment 1). If there is any conflict between the application documents and these conditions, these conditions prevail.
2.	The high-tide bird roost must be located and constructed in general accordance with the plan referred to in Condition 1. Detailed design refinements may be made where recommended by a suitably qualified and experienced coastal engineer and ornithologist, provided the refinements do not materially increase the footprint or alter the location of the roost and continue to achieve the purpose in Condition 4.
3.	At least ten (10) working days before construction of the high tide bird roost commences, the consent holder must notify the Council in writing of the intended commencement date and provide the name and contact details of the person responsible for the works.
SANDBANK (BIRD ROOST) MANAGEMENT PLAN	
4.	At least three (3) months before construction of the high tide bird roost commences, the Consent Holder must prepare and submit to the Council for certification a Sandbank (Bird Roost) Management Plan (SBRMP). The purpose of the SBRMP is to ensure that the roost provides effective and enduring high tide roosting habitat for Tōrea pango (Variable oystercatcher), Tūturiwhatu (New Zealand dotterel), Tarāpunga (Red-billed gull) and Tōrea (South Island pied oystercatcher), while minimising consequential effects on bird foraging habitat in the vicinity.
5.	The SBRMP must include: (a) An assessment of performance standards and specifications (including minimum area and height above mean high water springs) to achieve its purpose; (b) The construction methodology, including how tracking of any vehicles and machinery over the surrounding intertidal area will be avoided; (c) Maintenance monitoring in accordance with Conditions 209-212 of AUT.005055 (d) The likely duration of the Sandbank operating as an effective high tide bird roost, including between renourishment; (e) The likely nourishment frequency and volumes required; (f) Confirmation from a Suitably Qualified and Experienced person that the material used in the Sandbank Renourishment Area construction contains no contaminants above background levels, based on the average of no less than five sediment sample locations within the western intertidal area of Marsden Bay.
6.	The Council's certification of the SBRMP must be limited to confirming that the plan gives effect to the purpose in Condition 4 and contains the information required by Condition 5. If the Council does not certify the SBRMP, it must provide written reasons and recommendations for changes. The process must be repeated until certification is achieved.

Condition	Condition / text
7.	The consent holder must implement the certified SBRMP.
DESIGN, CONSTRUCTION AND MAINTENANCE	
8.	The final design of the high tide bird roost must be in general accordance with the plan referred to in Condition 1, the certified SBRMP in Condition 4, and the CEMP certified under AUT.005055.
9.	A Chartered Professional Coastal Engineer with relevant experience must oversee the construction of the sandbank to ensure it complies with the SBRMP and the sand renourishment area plan. A statement must be provided by the engineer to Council confirming the construction was undertaken in accordance with the design.
REVIEW	
11.	The Council may serve notice on the consent holder of its intention to review the conditions of this consent under section 128 of the Resource Management Act 1991: (a) annually during the month of March; or (b) within three (3) months of receiving any monitoring or inspection information required by this consent, for the purpose of addressing any unanticipated adverse coastal-process, marine ecological or avifauna effects arising from the exercise of this consent, or any failure of the high-tide bird roost to achieve the purpose in Condition 4.

ATTACHMENT 1 – CONSENT PLAN

Drawing O18777, Sheet 1/1, Revision A, dated August 2026.



TITLE PROPOSED BIRD ROOST RELOCATION		CLIENT MBIE MARSDEN POINT		CAUTION: 1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY. 2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY. 3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN. 4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN. 5. DO NOT SCALE OFF DRAWINGS. 6. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED. 7. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND 8. 04m 2014-2016 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE. 9. BOUNDARIES SOURCED FROM QUICKMAP. COORDINATES IN TERMS OF MOUNT EDEN 2000.		KEY: CONSSENTED DEVELOPMENT (NOT YET CONSTRUCTED) PROPOSED RECLAMATION EXTENT OF BULK EARTHWORKS EXISTING NORTHPORT DEVELOPMENT PARCEL BOUNDARY PORT ACTIVITY AREA		reyburn & bryant Ph: 09 438 3563 7 Selwyn Ave, Whangarei PO Box 191, Whangarei 0140 www.reyburnandbryant.co.nz		
DATE AUGUST 2026	SCALE 1:1500 @A3	REV A	DATE 19.08.26	DESCRIPTION FIRST ISSUE - BH/AA						
NO. 018777	SHEET 1/1	Rev. A	REF. DATA:							

APPENDIX 7B

WDC PROPOSED RESOURCE CONSENT CONDITIONS

DRAFT PROPOSED CONDITIONS – RMA APPROVALS (WDC) (CONSTRUCTION)

Number / reference	Condition / text
DEFINITIONS	
"CEMP"	means the Construction Environmental Management Plan required by these conditions.
"Certification"	has the meaning set out in the certification conditions of this consent.
"Council"	means Whangārei District Council or its successor.
"Consent Holder"	means the holder of this consent and includes any successor in title.
"CTMP"	means the Construction Traffic Management Plan required by these conditions.
"Project"	means the construction and operation of the Northland Shipyard and Drydock facility at Marsden Point, including the land-based components of the shipyard, access, parking, buildings, hardstand, public access and ancillary activities authorised by this consent.
"Suitably Qualified and Experienced Person" or "SQEP"	means a person or persons with a recognised qualification and/or experience relevant to the topic being assessed or certified.
"Working Day"	means any day other than a Saturday, Sunday, public holiday, or any day in the period commencing on 20 December and ending with 10 January in the following year.
"WDC"	means Whangārei District Council or its successor.
PART A – GENERAL APPLICATION	
General accordance	
1.	Except as provided for in the conditions below, the land use activities authorised by this consent must be undertaken in general accordance with the application lodged with the Environmental Protection Authority and the supporting information, plans and technical assessments. If there is any

	conflict between the application material and these conditions, these conditions prevail.
Location	
2.	The land based construction activities authorised by this consent must be undertaken in general accordance with the plans at Appendix 6 of the application, subject to detailed design and the conditions of this consent.
PART B – ADMINISTRATION AND LEGAL MECHANICS	
Certification, including amendments to management plans	
3.	Where any condition requires the Consent Holder to submit a design, report or management plan to the Council for certification, certification means that the Council is confirming that the submitted document gives effect to the purpose of the relevant condition, satisfies the condition requirements, and contains the required information. Certification must not be used to revisit the appropriateness of the consented activity or to impose requirements that are more onerous than necessary for the purpose of the relevant condition.
4.	Within 10 working days of receiving a document submitted for certification under these conditions, the Council must either: (a) certify the document; or (b) advise the Consent Holder in writing that it is unable to certify the document and provide reasons and recommendations for the changes required to achieve certification.
5.	Where the Council advises under Condition 4(b) that it is unable to certify a document, the Consent Holder must consider the reasons and recommendations provided and may submit an amended document for certification. The Council must, within five working days of receiving the amended document, either certify the document or provide the Consent

	Holder with written reasons why the amended document does not satisfy the applicable condition requirements.
6.	The Consent Holder must comply with each certified management plan, report or design required by these conditions.
7.	The Consent Holder may amend a certified management plan, report or design at any time.
8.	An amendment must be submitted to the Council for certification in accordance with Conditions 3, 4, and 5 before it is implemented where the amendment may: (a) Materially change the nature, scale, location or duration of an activity addressed by the document; (b) Materially reduce the effectiveness of a measure required to achieve the objective or requirements of the relevant condition; or (c) Result in an adverse effect that is materially different from, or greater than, the effects addressed by the certified document.
9.	An amendment that does not meet any of the criteria in Condition 8 may be made without certification. The Consent Holder must provide the Council with an updated copy of the document identifying the amendment before, or as soon as reasonably practicable after, the amendment is implemented.
Lapse	
10.	This consent will lapse 15 years from commencement unless it has been given effect to before that date.

Review under s128 of the RMA	
11.	The Council may serve notice on the Consent Holder of its intention to review the conditions of this consent under section 128 of the RMA during the month of March for the purpose of dealing with any unanticipated effects arising from the exercise of this consent.
Copy of documents to be kept on site	
12.	A copy of this consent and the most up to date certified versions of all management plans required by this consent must be kept on site during construction works and made available to all persons undertaking activities authorised by this consent.
PART C – PRE-COMMENCEMENT REQUIREMENTS	
C1 – General pre-commencement requirements	
Pre-start site meeting	
13.	At least 20 working days prior to commencement of construction works authorised by this consent, the Consent Holder must arrange a pre-start meeting with the Council's compliance officer and the contractor responsible for the works. The meeting must address the proposed construction programme, certified management plans, site access arrangements, public access arrangements, complaints procedures and contact details for the Consent Holder and contractor.
Engineering plans for land based activities	
14.	Before commencement of land based construction works, the Consent Holder must provide final engineering plans to the Council for the land based components of the Project that are within Council's jurisdiction. The plans may be submitted in stages and must include, where relevant: (a) Intersection, access and parking layout;

	(b) Pedestrian access and public access connections; (c) Fencing, barriers and public safety controls;
C2 – Construction management plans	
Construction Traffic Management Plan	
15.	At least 20 working days prior to commencement of construction works generating construction traffic, the Consent Holder must submit a CTMP to the Council for certification.
16.	The objective of the CTMP is to manage the transport effects of land based construction so that safe and efficient access is maintained for road users, emergency services, adjacent activities, construction workers and the public.
17.	The CTMP must be prepared by a SQEP and include, as a minimum: (a) The anticipated number, timing and routes of construction traffic movements; (b) Temporary traffic management measures; (c) Measures to maintain safe access to adjacent properties and activities where practicable; (d) Construction worker parking and laydown arrangements; (e) Procedures for managing material tracked or spilled onto public roads; (f) Measures to maintain safe pedestrian access where public access is retained during construction; and (g) Communication procedures for affected road users and stakeholders.
18.	The CTMP give effect to the objective in Condition 16.
19.	The Consent Holder must undertake construction traffic activities in accordance with the certified CTMP.

Construction Environmental Management Plan	
20.	At least 20 working days prior to commencement of land-based construction works, the Consent Holder must submit a CEMP to the Council for certification.
21.	The objective of the CEMP is to set out the procedures, responsibilities and site management measures required to manage land use effects from land based construction activities authorised by this consent.
22.	The CEMP must be prepared by a SQEP and include, as relevant to WDC land use effects: (a) Construction roles and responsibilities; (b) Construction staging; (c) Land based construction noise and vibration management; (d) Public access management during construction; (e) Hazardous substance storage and spill response for land based construction compounds; and (f) Communication and complaints procedures.
23.	The CEMP must be prepared in general accordance with the Construction Environmental Management Plan at Appendix 9A to the substantive application, to the extent relevant to land based construction activities controlled by Council, and must give effect to the objective and requirements of Conditions 21 and 22.
24.	The Consent Holder must undertake land based construction works in accordance with the certified CEMP.

PART D – CONSTRUCTION	
D1 – Land based construction management	
Accidental discovery protocol	
25.	If subsurface archaeological evidence is discovered during land-based construction works, work in the immediate vicinity of the discovery must cease and representatives from Heritage New Zealand Pouhere Taonga, iwi / hapū, and the Council as identified in the application, must be notified as soon as reasonably practicable.
26.	Works must not recommence in the immediate vicinity of the discovery until either it has been determined that no Heritage New Zealand Pouhere Taonga approval is required, or any required approval has been obtained.
27.	If koiwi tangata are discovered, work in the immediate vicinity must cease and Heritage New Zealand Pouhere Taonga, NZ Police, and iwi / hapū representatives identified in the application, and the Council, must be contacted so that appropriate arrangements can be made.
Land based construction noise	
28.	Land based construction noise must comply with the construction noise limits in NZS 6803:1999.
29.	Land based construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.
PART E – COMPLETION REQUIREMENTS	
Public access reinstatement	
30.	The Consent Holder must reinstate any Council footpath, kerb and channel, road carriageway, berm or Council services damaged as a result of construction works authorised by this consent. Any reinstatement must be

	undertaken at the Consent Holder's expense and to a standard equivalent to that existing immediately before the construction works, or otherwise agreed in writing by the Council.
PART F – COMPLAINTS	
Complaints register	
31.	The Consent Holder must maintain a complaints register for complaints received in relation to the land-based construction activities authorised by this consent. The register must record, where available: (a) the name and contact details of the complainant; (b) the date and time of the complaint; (c) the nature and location of the matter complained about; (d) weather conditions, where relevant; (e) any likely cause; (f) investigations undertaken; (g) any corrective action taken; and (h) any feedback provided to the complainant.
32.	The Consent Holder must provide a copy of the complaints register to the Council within five working days of receiving a written request to do so.

DRAFT PROPOSED CONDITIONS – RMA APPROVALS (WDC) (OPERATIONS)

Number / reference	Condition / text
DEFINITIONS	
“Certification”	has the meaning set out in the certification conditions of this consent.
“Consent Holder”	means the holder of this consent and includes any successor in title.
“Council”	means Whangārei District Council or its successor.
“Operational Lighting Management Plan”	means the lighting management plan required by these conditions.
“Operational Traffic Management Plan” or “OTMP”	means the Operational Traffic Management Plan required by these conditions.
“Operational vessel maintenance activities”	means vessel inspection, repair, cleaning, maintenance, servicing, surface preparation, coating, fabrication, fitting out, mechanical works, associated storage, laydown, waste handling and support activities undertaken as part of the Project.
“Practical Completion”	means the date that the facility is available for shipyard activities.
“Project”	means the Northland Shipyard and Drydock facility at Marsden Point, including the land-based operation of the shipyard, hardstand, buildings, access, parking, lighting, public access and ancillary activities authorised by this consent.
“Sensitive receiver”	means any dwelling, residentially zoned site, school, marae, place of assembly, public reserve or other receiver identified in the relevant technical assessment as sensitive to noise, lighting, traffic or amenity effects.
“Shipyard Noise Management Plan”	means the operational noise management plan required by these conditions.

“Suitably Qualified and Experienced Person” or “SQEP”	means a person or persons with a recognised qualification and/or experience relevant to the topic being assessed or certified.
“Working Day”	means any day other than a Saturday, Sunday, public holiday, or any day in the period commencing on 20 December and ending with 10 January in the following year.
PART A – GENERAL APPLICATION	
General accordence	
1.	Except as provided for in the conditions below, the land use activities authorised by this consent must be undertaken in general accordence with the application lodged with the Environmental Protection Authority and the supporting information, plans and technical assessments. If there is any conflict between the application material and these conditions, these conditions prevail.
Location	
2.	The operational land use activities authorised by this consent must be undertaken in general accordence with the plans at Appendix 6 of the application, subject to detailed design and the conditions of this consent.
PART B – ADMINISTRATION AND LEGAL MECHANICS	
Certification	
3.	Where any condition requires the Consent Holder to submit a design, report or management plan to the Council for certification, certification means that the Council is confirming that the submitted document gives effect to the purpose of the relevant condition, satisfies the condition requirements, and contains the required information. Certification must not be used to revisit the appropriateness of the consented activity or to impose requirements that are more onerous than necessary for the purpose of the relevant condition.

4.	Within 10 working days of receiving a document submitted for certification under these conditions, the Council must either: (a) certify the document; or (b) advise the Consent Holder in writing that it is unable to certify the document and provide reasons and recommendations for the changes required to achieve certification.
5.	Where the Council advises under Condition 4(b) that it is unable to certify a document, the Consent Holder must consider the reasons and recommendations provided and may submit an amended document for certification. The Council must, within five working days of receiving the amended document, either certify the document or provide the Consent Holder with written reasons why the amended document does not satisfy the applicable condition requirements.
6.	The Consent Holder must comply with each certified management plan, report or design required by these conditions.
7.	The Consent Holder may amend a certified management plan, report or design at any time.
8.	An amendment must be submitted to the Council for certification in accordance with Conditions 3, 4, and 5 before it is implemented where the amendment may: (a) materially change the nature, scale, location or duration of an activity addressed by the document; (b) materially reduce the effectiveness of a measure required to achieve the objective or requirements of the relevant condition; or

	(c) result in an adverse effect that is materially different from, or greater than, the effects addressed by the certified document.
9.	An amendment that does not meet any of the criteria in Condition 8 may be made without certification. The Consent Holder must provide the Council with an updated copy of the document identifying the amendment before, or as soon as reasonably practicable after, the amendment is implemented.
Lapse	
10.	This consent will lapse 15 years from commencement unless it has been given effect to before that date.
Review under s128 of the RMA	
11.	The Council may serve notice on the Consent Holder of its intention to review the conditions of this consent under section 128 of the RMA during the month of March for the purpose of dealing with any adverse land use effect arising from the exercise of this consent that was not anticipated, or to require the adoption of the best practicable option to avoid, remedy or mitigate any such effect.
Copy of documents to be kept on site	
12.	A copy of this consent and the most up to date certified versions of all management plans required by this consent must be kept on site during operation and made available to staff and contractors responsible for implementing those plans.

PART C – PRE-OPERATION REQUIREMENTS

C1 – Operational management plans

Shipyard Noise Management Plan

13.	At least 20 working days prior to commencement of operational vessel maintenance activities, the Consent Holder must submit a Shipyard Noise Management Plan to the Council for certification.
14.	The purpose of the Shipyard Noise Management Plan is to set out the procedures, controls, monitoring and response actions required to ensure operational vessel maintenance activities comply with the applicable Whangārei District Plan operational noise limits and avoid unreasonable noise effects on sensitive receivers, while enabling the facility to undertake authorised vessel maintenance activities.
15.	The Shipyard Noise Management Plan must be prepared by a SQEP and must be in general accordance with the Shipyard Noise Management Plan at Appendix 9H to the application, and include, as a minimum: (a) A description of operational noise sources; (b) The applicable operational noise limits and measurement / assessment methodology; (c) Timing restrictions and management procedures for higher noise activities, including abrasive blasting, hammering, grinding and other surface preparation activities undertaken outdoors or otherwise with a direct noise path to sensitive receivers; (d) Procedures for determining when temporary noise screens, localised barriers, orientation controls or other mitigation are required; (e) Noise monitoring procedures, including monitoring in response to verified complaints or reasonable Council request; (f) Staff and contractor training requirements; (g) Complaints response procedures; and (h) Procedures for review and amendment of the plan.

16.	Operational vessel maintenance activities must not commence until the Shipyard Noise Management Plan has been certified by the Council.
17.	The Consent Holder must undertake operational vessel maintenance activities in accordance with the certified Shipyard Noise Management Plan.
Operational Traffic and Access Plan	
18.	At least 20 working days prior to commencement of operational vessel maintenance activities, the Consent Holder must submit an Operational Traffic Management Plan to the Council for certification.
19.	The Operational Traffic Management Plan must be prepared by a SQEP and must be in general accordance with the Operational Traffic Management Plan at Appendix 9G of the substantive application, and include as relevant: (a) Operational access arrangements from Marsden Bay Drive; (b) Parking supply and management; (c) Heavy vehicle routes and loading arrangements; (d) Pedestrian routes between parking areas and the operational facility; (e) Public access interface management; (f) Measures to maintain safe and efficient access for emergency services; and (g) Traffic related complaints response procedures.
20.	Operational traffic, access and parking must be managed in accordance with the certified Operational Traffic Management Plan.
Operational Lighting Management Plan	
21.	At least 20 working days prior to commissioning permanent operational lighting, the Consent Holder must submit an Operational Lighting Management Plan to the Council for certification.

22.	The purpose of the Operational Lighting Management Plan is to minimise light spill, glare and adverse land-use amenity effects (including on Northport), and to minimise unnecessary light spill toward Marsden Bay, Blacksmiths Creek, public access areas and nearby sensitive receivers, while maintaining lighting necessary for safe and secure operation of the Project.
23.	The Operational Lighting Management Plan must be prepared by a SQEP and must include, as a minimum: (a) The location, height, orientation and type of permanent external lighting; (b) The proposed colour temperature of new floodlighting; (c) Measures to direct light principally within operational areas, where practicable; (d) Measures to minimise glare and light spill toward public roads, public access areas, Marsden Bay, Blacksmiths Creek and nearby sensitive receivers; (e) Measures to minimise unnecessary light spill toward coastal margins and areas used by avifauna, where practicable and consistent with operational safety; (f) Lux level compliance methodology at relevant boundaries or receivers; (g) Procedures for responding to lighting complaints.
24.	Permanent operational lighting must be installed and operated in accordance with the certified Operational Lighting Management Plan.
Landscape Plan	
25.	At least 20 working days prior to commencement of operational vessel maintenance activities, the Consent Holder must submit a Landscape Plan to the Council for certification.

26.	The purpose of the Landscape Plan is to manage the land use interface between the operational shipyard and the CMA through planting while maintaining public safety and operational security.
27.	The Landscape Plan must be prepared by a SQEP and include, as relevant: (a) The location and type of landscape planting, including pōhutukawa or other appropriate coastal planting along the western reclamation edge where practicable; (b) Fencing, screening, or noise barrier treatments; (c) Integration with public access and the replacement fishing platform; (d) Planting establishment, replacement and maintenance requirements; and (e) Implementation timing.
28.	The Consent Holder must implement the certified Landscape Plan within the first planting season following Practical Completion, unless an alternative timing is certified by the Council.
C2 – Public access and recreation	
Replacement fishing platform and public access	
29.	Within 6 months following Practical Completion, the Consent Holder must provide public access to a replacement fishing platform on or adjacent to the western side of the reclamation, unless a later date is agreed in writing by the Council because construction sequencing, health and safety, operational security or another statutory approval prevents earlier completion.
30.	The public access route to the replacement fishing platform must be designed to provide for public safety, operational security, accessibility where practicable, and compatibility with the certified Landscape Plan and any relevant avifauna management requirements.

31.	The Consent Holder must maintain the public access route and replacement fishing platform in a safe and usable condition.
32.	The Consent Holder must provide clear signage identifying the public access route.
PART D – OPERATIONAL PHASE	
D1 – Operational noise	
Noise limits and high noise activity controls	
33.	Operational noise from land based activities authorised by this consent must comply with the applicable operational noise limits in the Whangārei District Plan when measured and assessed at the relevant receiver locations in accordance with the Whangārei District Plan and the certified Shipyard Noise Management Plan.
34.	High noise operational activities, including abrasive blasting, grinding and other surface preparation activities identified in the certified Shipyard Noise Management Plan, must be undertaken in accordance with the timing, screening, monitoring and other controls specified in that plan. Screening, localised barriers and other activity-specific mitigation measures must be implemented where required by the certified Shipyard Noise Management Plan having regard to the nature, location and circumstances of the activity.
35.	Noise monitoring must be undertaken where required by the certified Shipyard Noise Management Plan.
D2 – Operational traffic and access	
Operational access and parking	
36.	Operational access, parking, loading and manoeuvring must be provided and managed in accordance with the certified Operational Traffic Management Plan.

37.	The Consent Holder must maintain sufficient on-site or authorised off-site parking to avoid operational staff, contractor or visitor parking obstructing public roads or public access routes.
PART E – COMPLIANCE, MONITORING AND REPORTING	
Complaints register	
38.	The Consent Holder must maintain a complaints register for complaints received by the Consent Holder in relation to operational land use activities authorised by this consent. The register must record, where available: (a) The name and contact details of the complainant; (b) The date and time of the complaint; (c) The nature and location of the matter complained about; (d) Weather conditions, where relevant; (e) Any likely cause; (f) Investigations undertaken; (g) Any corrective action taken; and (h) Any feedback provided to the complainant.
39.	The Consent Holder must provide a copy of the complaints register to the Council within five working days of receiving a written request to do so.