

PROPOSED WDC CONDITIONS: NORTHPORT LIMITED (UPDATED/FINAL VERSION 16 MAY 2024)

PORT EXPANSION, SH15, MARSDEN POINT (Construction)

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

- Construction of a public access from the existing car park at the end of Ralph Trimmer Drive (to be replaced) through to a proposed reserve and related amenities at the eastern edge of the proposed reclamation.
- Construction of port facility above MHWS including earthworks.

Note: All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).

SUBJECT TO THE FOLLOWING CONDITIONS

DEFINITIONS:

- “Building”** means a temporary or permanent moveable or immovable physical construction that:
- (a) is partially or fully roofed, and
 - (b) is fixed or located on or in land, but
 - (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- “Certification”** Has the meaning set out in Condition 8:
- “Council”** means Whangārei District Council or its successor;
- “Commencement of these consents”** means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 of the RMA;
- “Expansion Project”** means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
- “Major Structure”** means any:
- (a) vehicle used as residential activity, excluding temporary activities.
 - (b) network system exceeding 1.5m in height above ground level or 3m² ground coverage.
 - (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance

between any separate fence or wall, or combination of either, then their height must be measured from the lowest ground level of to the highest point of either.

- (d) tank or pool exceeding 35,000 litres.
- (e) structure greater than 2.2m in height above ground level or greater than 9m² ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

“Pocket Park”

means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and

“Port Activities”

means the use of land and/or Buildings for port related activities, including but not limited to:

- (a) port and ancillary port activities;
- (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

“Practical Completion”

in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for Port Activities;

“RMA”

means the Resource Management Act 1991;

“Suitably Qualified and Experienced”

means a person or persons with a recognised qualification and/or relevant experience relevant to the topic being assessed.

“Tangata Whenua Relationship Group”

means the group to be established pursuant to Northland Regional Council resource consent [insert NRC consent ref]

GENERAL:

1. Works/activities authorised by these consents must be undertaken in general accordance with the application received by Council on 6 October 2022 and all supporting information, including the following documents and plans (including as amended through the application and hearing process). If there is any conflict between the relevant documents/plans and these conditions of consent, these conditions of consent prevail.

AEE reports

- Marshall Day Acoustics Ltd '*Northport Container Terminal Expansion Noise Assessment*' (Rp 002 R07 20200547) dated 29 September 2022.
- Enviser Ltd '*Draft Construction Environmental Management Plan*' (Enviser ref. 1116) dated October 2022.
- MetOcean Solutions '*Effects of Proposed Reclamation and Dredging Layout on Hydrodynamics*' dated August 2022.
- Tonkin and Taylor Ltd '*Coastal Process Assessment*' (ref. 1017349 v3) dated September 2022.
- Coast and Catchment Ltd '*Assessment of Ecological Effects*' Report number 2021-24 dated September 2022.
- Boffa Miskell Ltd '*Coastal Avifauna Assessment*' Rev. G dated 3 October 2022.
- Cawthron Institute '*Potential Effects of the Proposed Northport reclamation on Marine Mammals in the Whangarei Harbour Region*' Report no. 3652 dated September 2022.
- Brown NZ Ltd '*Assessment of Landscape, Natural Character and Amenity Effects*' dated September 2022.
- Clough and Associates Ltd '*Archaeological Assessment*' dated June 2022.
- WSP Ltd '*Concept Design Report*' Ref. 6-DV652.00 Rev. C dated August 2022.
- Rob Greenaway and Associates '*Recreation Effects Assessment*' dated September 2022.
- Hawthorn Geddes Ltd '*Stormwater Pond Assessment Report*' HG ref. 12377 Rev. 3 dated 10.8.22.
- Pattle Delamore Partners Ltd '*Air Quality Assessment*' Ref. A03566800R001 dated 5.8.22.
- Market Economics Ltd '*Economic Assessment*' Ref. NPL 001.20 dated September 2021.
- Patuharakeke Te Iwi Trust Board '*Interim Cultural Effects Assessment*' dated November 2021.
- Styles Group '*Assessment of Underwater Noise Effects*' dated 2 August 2022.
- Northport '*Navigation Safety Report*' dated September 2022.
- WSP Ltd '*Traffic Impact Assessment*' Ref. 1-19278.01/00006 dated 30.08.22.
- 4Sight Ltd '*Intertidal Ecology Report*' dated May 2018.

RFI responses

- Response to information request dated 25 October 2022.
- Response to information request dated 21 February 2023.
- Response to information request dated 13 July 2023.

Plans/drawings

- WSP Ltd '*Design Drawings*' 1-19278.01(03) – Sheets C01 (Rev. D), C02 (Rev. D), C03 (Rev. D), and C04 (Rev E).

- Boffa Miskell Ltd – ‘Pocket Park Concept Plan’ – BM220519-201 and BM 220519-200 (Rev B).
 - Reyburn and Bryant – ‘Northport Expansion (Berth 5) – O14656 (Rev. A).
 - Northport – ‘Relocated Tug Facility Eastern End – Concept Plan’ (R0) dated September 2022.
2. 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 persons undertaking activities authorised by these consents.
 3. Within ten (10) working days of the section 245(5) certificate being issued for the reclamation the consent holder must provide a copy of the certificate to the Council.
 4. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).
 5. At least thirty (30) 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 the 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) A draft programme for the CEMP and any other design plan, engineering plan, report or management plan required to be submitted for certification under these conditions (if not already provided).
 - (c) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents, including **Appendix 1**.
 - (d) The nominated Consent Holder contact and contractor representative (or equivalent) for the works
 - (e) Any intended staging of the works
 - (f) 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.

Complaints

6. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this 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; and
 - (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.
7. The consent holder must provide a copy of the complaints register to the Council within five working days of receiving a request to do so from the Council.

Certification

8. Where any condition requires the consent holder to submit design plans, engineering plans, a report or management plan to the Council for “**certification**” it must mean the process set out in the following paragraphs (a) to (d) and the terms “certify” and “certified” must have the equivalent meanings:
- (a) The consent holder supplies design plans, engineering plans, reports, or a management plan to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and schedule requirements, and contain the required information;
 - (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;
 - (c) If the Council’s response is that it is not able to certify a design plan, engineering plan, management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and recommendations of the Council and resubmit an amended design plan, engineering plan, management plan, or report for certification;
 - (d) A design plan, engineering plan, management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the design plan, engineering plan, management plan or report, however, may also obtain advice from other qualified person(s).
9. The process in Condition 8 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.
10. The consent holder must comply with the certified management plan or report at all times.

Review under s128 of the RMA

11. 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 adverse effect on the environment; or
 - (ii) To deal with any change(s) to the materials handled through the Port Terminal; or
 - (iii) 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, for the following purpose:
- (i) To deal with any 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, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area.
12. The consent holder must meet all reasonable costs of any such review.

Stakeholder and Communications Management Plan

13. The consent holder must prepare and implement a SCMP not later than 12 months prior to commencement of construction works authorised by this consent. 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 Expansion Project.
14. The SCMP must set out, prior to construction, how the consent holder will:
- (a) Identify the stakeholders for communication;
 - (b) Inform the community of project process and likely commencement of construction works and programme;
 - (c) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;
 - (d) Utilise the project website to provide updates to the community;
 - (e) Communicate with tangata whenua regarding construction of the project;
 - (f) Respond to queries and complaints; and
 - (g) Provide updates on progress with management plans.
15. The SCMP must set out the framework for how, during construction and operation, the consent holder will:
- (a) Engage with stakeholders such as Channel Infrastructure, Seafuels, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Northland Regional Council and associated local authorities, Waka Kotahi, and the Council;
 - (b) Inform the Whangarei district community of construction progress, including proposed hours of work;

- (c) Inform the Whangarei district community of ongoing dredging;
 - (d) Engage with the communities to foster good relationships and to provide opportunities for learning about the project;
 - (e) Provide information of key project milestones; and
 - (f) Make each management plan publicly available once a management plan is finalised, and for the duration of project works.
16. The consent holder must prepare the SCMP in consultation with the following parties and submit the final SCMP for certification with the CEMP:
- (a) The Council;
 - (b) Whangarei District Council; and
 - (c) Iwi/hapū.

LAPSING OF CONSENTS

17. This resource consent will lapse twenty (20 years) after commencement.

DESIGN AND CONSTRUCTION OF RECREATIONAL FEATURES AND TRANSPORT INFRASTRUCTURE

Engineering Plan Approval

18. Prior to the commencement of construction authorised by these consents the consent holder must provide a detailed set of engineering plans to the Council for approval. The plans must be prepared in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) and are to include:
- (a) Earthworks plans showing the finished interface between proposed Berth 5 and the adjoining esplanade reserve. Plans should demonstrate how public access (which offers a maximum 1:12 gradient for people with all levels of mobility) has been facilitated to the residual beach area to the east;
 - (b) Design details of the construction of the Pocket Park private accessway, including the connection to Ralph Trimmer Drive, including a typical cross section, long section, culverts, drainage flow paths and overland flow;
 - (c) Pocket Park and associated recreational features, including at least 26 car parks, street lighting, and a new public toilet as generally depicted on the Boffa Miskell "Proposed Concept Plan" BM220519-201 (Revision B, 25.7.22) at **Appendix 2**; and
 - (d) Design details of reticulated network connections for sewer and water for the Pocket Park facilities (public toilet and water fountain).
19. All work on the approved engineering plans in Condition 18 is to be carried out to the satisfaction of the Council (noting the timeframe in Condition **Error! Reference source not found.** for completion of the Pocket Park). Compliance with this condition must be determined by;

- (a) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan;
 - (b) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results;
 - (c) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Engineering Standards (2020 Edition or most relevant version at the time); and
 - (d) PS3 "Certificate of Completion of Development Works" from the Contractor.
20. No construction works authorised by each of the engineering plans in Condition 18 are to commence until the relevant engineering plan has been approved.
21. The consent holder must submit certified RAMM data for all new/upgraded roading infrastructure prepared by a suitably qualified person in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) to the satisfaction of the Development Engineer or their delegated representative.
22. The consent holder must ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations.
23. All damage to street footpaths, stormwater kerb and channels, road carriageway formation, street berm and services by the demolition and construction works associated with the Consent Holder's activities must be reinstated in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time). Any reinstatement works must be undertaken at the expense of the consent holder and be completed to the approval of the Council within six (6) months of practical completion.
- Advice note:** *It is the consent holders responsibility to obtain any necessary non-RMA approvals to undertaken repair works within the road reserve.*
24. The consent holder must ensure the assets listed in Condition 23 above remain in good working order while the consents are being exercised.

Pocket Park – Maintenance

25. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder must prepare and submit a Pocket Park Maintenance Management Plan for certification by the Council. The purpose of this plan is to detail ongoing maintenance requirements and responsibilities for the Pocket Park, and to ensure recreational value is maintained for the public.
26. The Pocket Park Maintenance Management Plan must be prepared with opportunity for input from the Council Infrastructure Planning and/or Parks Department (or equivalent at the time) and the Tangata Whenua Relationship Group formed under Condition XX of the NRC , where appropriate.

Landscape Planting

27. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder must prepare a Landscape Planting Plan for the Expansion Project, including the Pocket Park, for certification by the Council.

The Plan must be prepared by a Suitably Qualified landscape architect and be for the purpose of detailing amenity planting associated with the construction of Berth 5, public coastal structures (water taxi and swimming steps), and the Pocket Park (including the access to Ralph Trimmer Drive). The Plan must be designed to reflect the coastal landscape and natural character values of the Whangārei Harbour entrance and Bream Bay area and must contain, at a minimum:

- (a) Details of security fencing, lighting, and landscaping measures to avoid a utilitarian feel, particularly along the Pocket Park access to Ralph Trimmer Drive;
- (b) Measures to address Crime Prevention Through Environmental Design risks and encourage opportunities for passive surveillance;
- (c) Replacement planting of multi-stemmed pohutukawa trees (*Metrosideros excelsa*) along the eastern edge of the revetment, between the Pocket Park and water taxi jetty, at a minimum density of one tree per 10m; and
- (d) Details of how specimen trees have been incorporated into the design, where appropriate, as replacements for the Public Trees removed from the coastal margins of the esplanade reserve.

Advice note: *Public Trees are defined "as any tree or trees located on a road reserve, park or reserve administered by Whangārei District Council greater than 6m in height or with a girth (measured 1.4m above the ground) greater than 600mm.*

28. The Landscape Planting Plan must include at a minimum:

- (a) A schedule of the species to be planted, including the name, numbers, location, spacing and size of plant species at time of planting, planting density, details on the timing of plantings, and details of any existing vegetation to be retained;
- (b) Proposed site preparation and plant establishment measures; and
- (c) Ongoing maintenance and monitoring requirements, including any recommended ongoing pest and weed controls.

Advice Note: *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

29. Within 12 months of Practical Completion, all planting required by the certified Landscape Planting Plan in Condition 27 above must be implemented in accordance with the details of that Plan. All planting must be undertaken to the satisfaction of the Council.

30. Wherever practicable, all specimens must be eco-sourced from within the Waipu Ecological District, as identified by the Department of Conservation's Protected Natural Areas Programme.

Mair Road Improvement Works (Augier Condition)

31. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder must provide to the Council for Certification a Mair Road Improvements Plan (MRIP).

The objective of the MRIP is to investigate potential improvements to the Mair Road carpark, beach access, and surrounding reserve area, to provide further mitigation of the effects of the port expansion project on the coastal access and recreation values of East Beach and the adjacent public park.

The MRIP must include details of the following matters:

- a. Landowner (Department of Conservation) consultation/approvals.
 - b. Any related resource consents or other statutory approvals;
 - c. The estimated costs to implement the improvement works;
 - d. A programme and process to seek tangata whenua feedback on the improvement works;
 - e. A programme and process to seek public feedback on the improvement works;
32. Within three (3) months of Certification of the MRIP by the Council, the Consent Holder must begin implementing the MRIP.
33. Within twelve (12) months of confirmation of works to be undertaken in accordance with Condition 32, the Consent Holder must update the Council on progress of those works. If the works are not completed at that time, the consent holder must again update the Council on completion. All costs associated with designing, implementing, and reporting on the MRIP must be met by the Consent Holder.

CONSTRUCTION

Accidental discovery protocol

34. In the event of discovery of archaeological material 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, tangata whenua representatives and the Council must be notified as soon as reasonably practicable.
35. Work must not recommence in the immediate vicinity of the discovery until either: it has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.
36. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Mana Whenua, Heritage NZ Pouhere Taonga, NZ Police 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.

Construction noise

37. Expansion Project construction noise from activities on land must not exceed the noise limits in Table One:

Table One: construction noise limits

RESIDENTIAL ZONES AND DWELLINGS IN RURAL AREAS:

Upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Noise limits (dB)	
		L _{Aeq}	L _{AFmax}
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

INDUSTRIAL OR COMMERCIAL AREAS:

Upper limits for construction noise received in industrial or commercial areas on all days

Time period	Noise limits (dB L _{Aeq})
0730-1800	70
1800-0730	75

38. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

Advice Note: Northland Regional Council resource consents for the Expansion Project include noise limits for construction noise from activities within the coastal marine area.

Construction Traffic Management Plan

39. At least three (3) months prior to the commencement of Expansion Project construction works, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council for

certification. The objective of the CTMP is detail the procedures, requirements and standards necessary for managing traffic effects during construction of the Expansion Project so that safe facilities for local movements by all relevant transport modes are maintained throughout the construction period. The CTMP must include:

- (a) The estimated numbers, frequencies, routes and timing of construction traffic movements;
 - (b) Any restriction on construction traffic routes, including Marsden Point Road;
 - (c) Methods required to manage vehicular traffic and/or to manage traffic congestion;
 - (d) Methods to manage the effects of temporary traffic management activities on general traffic;
 - (e) Measures to manage the safety of all transport users;
 - (f) Site access routes and access points for heavy vehicles,
 - (g) The size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;
 - (h) Identification of detour routes and other methods for the safe management and maintenance of all users on existing roads;
 - (i) Methods to maintain vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;
 - (j) Methods to maintain public access to Marsden Bay beach during construction, and signage to inform the public about beach access;
 - (k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;
 - (l) Methods that will be undertaken to communicate traffic management measures to affected road users such as residents/public/emergency services; and
 - (m) Measures to ensure the safe disembarking/embarking of passengers on cruise vessels.
40. The CTMP must be prepared by a Suitably Qualified and Experienced person and in accordance with Council's requirements for CTMPs (as applicable) and New Zealand Guide to Temporary Management (April 2023) (or equivalent at the time). The CTMP must be prepared in consultation with Waka Kotahi and Council.
41. The CTMP must be certified in writing by the Council prior to construction works authorised commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CTMP (including any certified variation).
42. Any variation to the CTMP must be subject to certification by the Council.

Construction and Environmental Management Plan

43. At least three (3) months prior to the commencement of construction authorised by these consents, the consent holder must submit a Construction and 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 Expansion 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 Expansion Project are in accordance with the assessments accompanying the resource consent applications.
44. The CEMP must include the following sections:
- (a) Construction phase roles and responsibilities protocols;
 - (b) Environmental Risk Assessment;
 - (c) Dust;
 - (d) Construction Noise;
 - (e) Traffic, including to demonstrate how the relevant conditions will be satisfied;
 - (f) Archaeology;
 - (g) Hazardous Substances;
 - (h) Public access, including to demonstrate how condition 49 will be satisfied;
 - (i) Erosion and Sediment Control; and
 - (j) Communications Protocols and Complaints Procedures.
45. The CEMP must be prepared by a Suitably Qualified and Experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application (Enviser, Draft Construction and Environmental Management Plan, October 2022).
46. The CEMP must be certified in writing by the Council prior to construction works authorised by these consents first commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CEMP (including any certified variation).
47. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any matters in Condition 44(c-i) are not relevant, a statement must be provided of why management of these effects are not relevant to the particular stage of works.
48. Any variation to the CEMP must be subject to certification by the Council.

Public access during construction

49. Public walking access from Ralph Trimmer Drive to the residual Marsden Bay beach area must be maintained during construction except for short durations where health and safety requires restriction.

Advice note: See also public access section of the CEMP.

Pavement damage to Ralph Trimmer Drive during construction

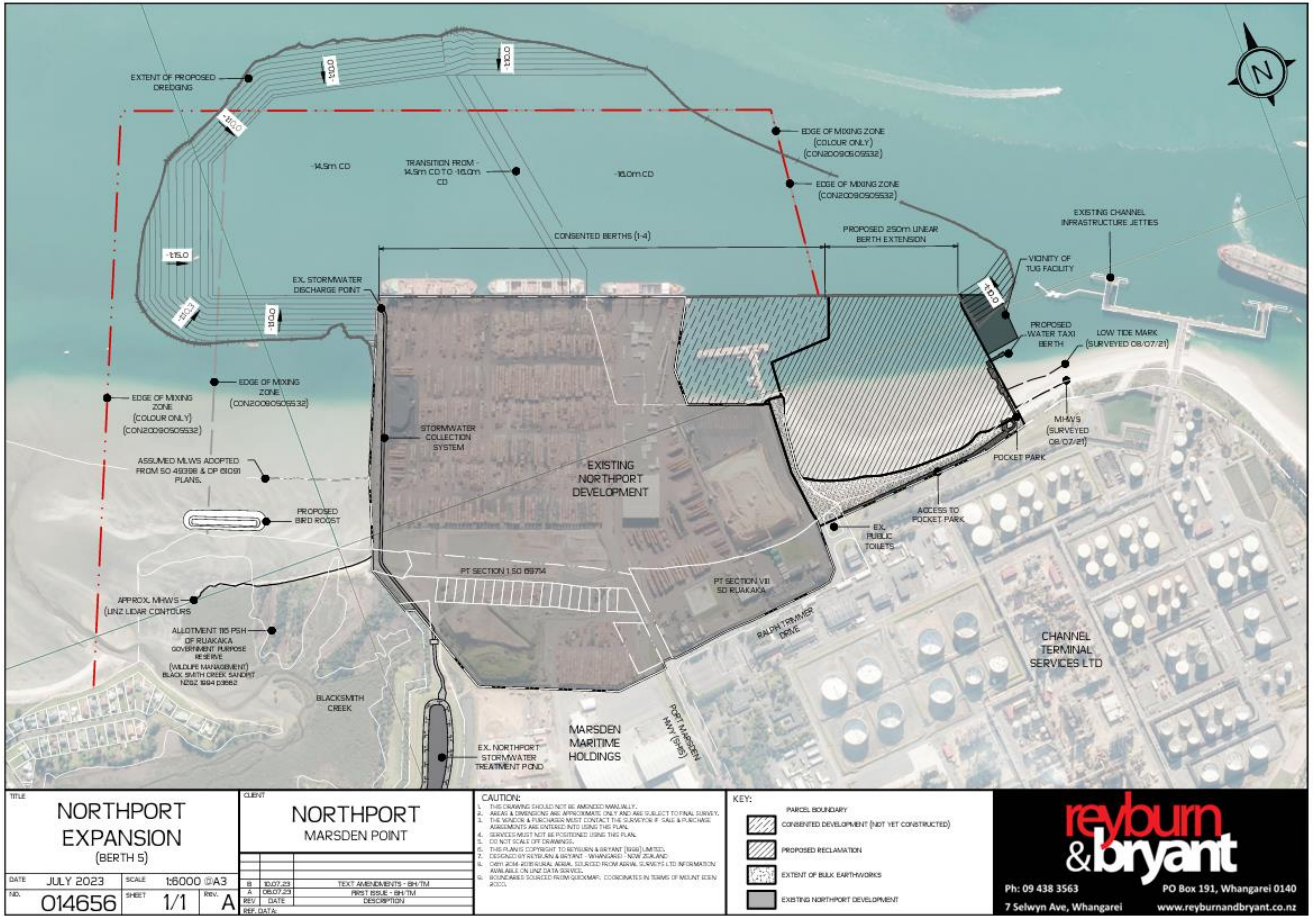
50. At least three (3) months prior to construction works commencing, the consent holder must engage a Suitably Qualified and Experienced roading engineer to prepare a pre-construction conditional baseline assessment of the entirety of Ralph Trimmer Drive for certification by Council. The purpose of the assessment is to document the standard of the road corridor, footpath, kerb and channel, and associated stormwater infrastructure prior to construction works commencing.
51. Within six (6) months of Practical Completion, the consent holder must engage a Suitably Qualified and Experienced roading engineer to undertake a post-construction conditional assessment of the entirety of Ralph Trimmer Drive for certification by Council. Where the post-construction condition assessment identifies that Ralph Trimmer Drive has deteriorated as the result of construction works relating to the Expansion Project, the consent holder must, at its own cost, rectify the damage or pay the equivalent amount to the Council. Any reinstatement works required by this condition must be undertaken at the expense of the consent holder and be completed to the approval of the Council within six (6) months of practical completion.

PUBLIC ACCESS

52. The construction of the Pocket Park required by Condition 19 must be completed within 12 months of Practical Completion.
53. Prior to Practical Completion, provide written evidence to the Council to demonstrate that public access to and along the Pocket Park has been formalised by an appropriate legal mechanism.
54. Restricted access from Ralph Trimmer Drive to Marsden Bay must occur for no longer than eighteen (18) months total.

APPENDIX 1: PLAN

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APPENDIX 2: POCKET PARK PLAN

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