

MARINA STRUCTURES AND DREDGING PERMIT 41065

The following conditions are amended, with additions shown as double underlined and deletions are ~~struck-through~~.

General Conditions for permits ~~34730, 36427, 37090, 36429~~ (all consents) 40009 and 41065

1. That pursuant to section 36 of the Resource Management Act 1991 (RMA), this consent (or any part thereof) shall not be exercised until such time as all charges in relation to the receiving, processing and granting of this resource consent are paid in full.
2. That the marina and all associated activities shall be in accordance with the plans and information submitted with the application and AEE and presented at the hearing and documented as consent numbers 34730, 36427, 37090, 36429, and superseded by consent numbers 40009 and 41065 by the Auckland Council, which document subsequent amendments made pursuant to s127 of the RMA— ~~by the Auckland Regional Council,~~ subject to such amendments as may be required by the following conditions of this consent.
3. The consent for undertaking construction works pursuant to Section 12(1) of the RMA shall expire five years after the commencement of the consent.
4. Those aspects of this consent that relate to sections 12(2), 12(3) and 15 of the RMA (i.e. involving occupation, structures, activities and discharges to the Coastal Marine Area) shall expire 35 years following the date consent commences, as set out in section 116 of the RMA, unless it has lapsed, surrendered or been cancelled at an earlier time.
5. The servants or agents of ~~ARC—Auckland Council~~ shall be permitted to have access to relevant parts of the property at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples.
6. Prior to commencement of any construction works the Manager shall be informed in writing at least 10 days prior to the start date of the works authorised by this Resource Consent.
7. The Consent Holder shall confirm in writing that adequate funding is available prior to the commencement of works to complete the project.
8. At least 20 days prior to commencement of works a pre-construction site meeting shall be held between ~~ARC—Auckland Council~~ and all relevant parties, including the primary contractor.
9. **Community Liaison Group**

As offered by the applicant at the hearing, the Consent Holder shall establish a Community Liaison Group (CLG) at least 6 months before any construction works are undertaken. The CLG shall be established in consultation with the Manager and representatives of the local community, including but not limited to, landowners and occupiers adjacent to the marina ~~and dredging disposal sites~~, the Sandspit Residents & Ratepayers Association Inc and tangata whenua. The consent authority representatives shall have observer status only and shall not be allowed to vote.

~~40.2 Esplanade Reserve at the Barge Landing Reclamation (37090)~~

~~The survey plan of the barge landing reclamation shall show all of the reclaimed land being set aside as a Local Purpose Esplanade Reserve in terms of Section 23 of the Reserves Act 1977.~~

11. The survey plans referred to in Condition 10 above shall be approved as to survey in accordance with the Survey Act 1986.
12. In accordance with section 245 of the Resource Management Act 1991, the plans of survey referred to in Conditions 10 and 11 shall be submitted to ~~ARC~~ the Auckland Council for its approval as soon as reasonably practicable. The plans of survey shall be prepared in accordance with regulations made under the Survey Act 1986 relating to survey plans within the meaning of those regulations, and shall show and define:
 - a) The areas reclaimed, including their location and the position of all new boundaries; and
 - b) The location and size of the portion of the areas which are required as a condition of consent to be set aside as an esplanade reserve.
13. Within one month of receipt of the approved Deposited Plan as per section 246 of the Resource Management Act 1991, a copy of the Deposited Plan shall be provided to the Hydrographic Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box 5501, Wellington).
14. The structural integrity of the reclamations shall be maintained, subject to current or future resource consent requirements or restrictions.

Specific Conditions for Permits 34730 (marina structures, occupation and activities (including dredging works), and ~~36427 and 37090~~ 40009 (reclamations)

15. **Detailed Engineering Design**

The Consent Holder shall provide to the Manager for approval, at least 40 days prior to any construction works, detailed engineering designs and drawings of the structures, works and specifications for all aspects of the proposed marina development including:

- a) Layout of marina piers and associated structures including orientation and clearances in fairways and channels;
- b) The beach area to be replenished, including cross section detail and total area;
- c) The high tide bird roost to be replenished, including cross section detail and total area;
- ~~d) The expected design performance of the floating wave attenuator;~~
- e) All structures, piles, rock revetment and rock ~~breakwater~~ groyne and northern seawall, navigation marks;

- f) Reclamations perimeter design, including retaining structures and rock armour protection;
- g) Sewage disposal, water supply and other services.

The detailed engineering designs and drawings of structures, works and specifications for all aspects of the proposed marina shall be in accordance with the plans and specifications submitted in support of the application (including the application for variations to conditions made under section 127 of the Resource Management Act and determined in March 2013).

16. Construction Management Plan

The Consent Holder shall submit to the Manager a Construction Management Plan for all works. The purpose of the Construction Management Plan is to confirm final project details, for the approval by the Manager, to ensure that the project remains within the limits and standards approved under this consent and that marina construction and operation activities avoid, remedy or mitigate adverse effects on the environment. The Construction Management Plan is to provide details of the responsibilities, reporting frameworks, coordination and management required for project quality assurance, final detailed construction design and methodologies, and monitoring processes and procedures.

Prior to commencement of any works on the site, the Consent Holder shall provide to the Manager, a Construction Management Plan that shall include but is not limited to:

16.1 Quality Assurance

The Quality Assurance section of the Construction Management Plan requires the establishment of management frameworks, systems and procedures to ensure quality management of all on-site activities and compliance with the conditions of this consent. This section shall amongst other matters provide details on the following:

- (a) Name, qualifications, relevant experience and contact details of an appropriately qualified and experienced project manager, who shall be responsible for overseeing compliance of the Construction Management Plan.
- (b) Names, qualifications, relevant experience, and methods for contact of principal staff employed, along with details of their roles and responsibilities.
- (c) Methods and systems to inform and train all persons working on site of potential environmental issues and how to avoid remedy or mitigate any potential adverse effects.
- (d) Systems and processes whereby the public are informed of contact details of the project manager and person or persons identified above.
- (e) Complaints register, response process, including resultant actions.
- (f) Liaison procedures with ~~ARC and RDC~~ the Auckland Council.

16.2 Site Management

The Site Management section of the Construction Management Plan is to ensure that procedures are in place to ensure that the site is managed safely and in an appropriate condition throughout the entire construction process. This section shall amongst other matters provide details on the following:

- (a) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- (b) Location of workers conveniences (e.g. portaloos);
- (c) Procedures for controlling sediment run off into the CMA, dust and the removal of soil, debris and construction materials from the CMA onto public roads or places (including identifying the location of wheel wash facilities);
- (d) Location of vehicle and construction machinery access and storage during the period of site works (including storage/mooring of the barge(s)).
- (e) The clear identification and marking of the construction zone within the CMA and the provision of navigational information to ensure safe and effective access through the construction zone.
- (f) A methodology that prescribes the extent to which machinery can operate in the estuarine embayments so as to minimise the disruption and damage to the CMA.

16.3 Construction Programme

The Construction Programme section of the Construction Management Plan is to ensure that the Consent Holder has adequately prepared a programme of works that will enable the marina to be constructed in a manner that is timely, adequately co-ordinated and minimises the adverse effects of construction on the environment. This section shall, among other matters, provide details of the programme for the construction works throughout all stages of the marina development process.

16.4 Construction Hours and Noise

16.4.1 Barge Movements

There shall be no barge movements during public holidays.

16.4.2 At the Marina Site

- (a) Construction noise from the marina and related facilities in the CMA shall comply with and be assessed in accordance with the provisions of NZS 6803:1999 Acoustics Construction Noise.

- (b) The noise monitoring shall include, but not be limited to, at least two residential properties in the immediate vicinity of the site with a clear view of the construction activities.
- (c) Notwithstanding the construction noise limits in condition 16.4.1(a)-(d) the following activities shall occur only during of the hours of 9.00am to 4.00pm Monday to Friday and (excluding public holidays):
 - (i) Driving of piles;
 - (ii) Delivery and unloading of rock for the rock ~~breakwater~~groyne.

16.4.3 At the Barge Landing Site

- ~~(a) Construction noise from the barge landing and related facilities in the CMA shall comply with and be assessed in accordance with the provisions of NZS 6803:1999 Acoustics Construction Noise.~~
- ~~(b) The Consent Holder shall, following consultation with the owners of Lots 1 & 2 DP193223 (Farley & Matakana Farms Ltd properties), submit to the Manager for approval a noise monitoring programme which identifies the monitoring to be undertaken during construction of the barge landing and related facilities in the CMA in accordance with New Zealand Standard NZS 6803:1999. The noise monitoring shall include, but not be limited to, at least two residential properties in the immediate vicinity of the site with a clear view of the construction activities.~~
- ~~(c) The noise monitoring in the approved programme shall be carried out by the Consent Holder and a written record of the monitoring shall be provided to the Council and the owners of Lots 1 & 2 DP193223 (Farley & Matakana Farms Ltd properties) on the dates identified in the approved programme.~~

16.5 Replenished Northern Beach and Southern Beach High Tide Bird Roost

This aspect of the Construction Management Plan relates to the establishment, monitoring and ongoing management of the artificial beach adjoining ~~the rock breakwater on the northern side of the rock groyne~~ and the High Tide Bird Roost on the existing beach to the south of the rock groyne. The plan shall include, among other things, the following:

- (a) The proposed construction methodology for the beach and high-tide bird roost and on-going maintenance over time (including weed management);
- (b) A construction monitoring programme to monitor the location and levels of sand placed at the beach adjoining the rock breakwater groyne during the construction period so they have the least possible effects on use of both beach areas by people and birds.

- (c) A post construction monitoring programme at the high-tide bird roost site and the triggers for further beach replenishment/maintenance works such that the high-tide bird roost remains within its design footprint to ensure tidal flow/exchange via the existing channel (as shown on Figure 15a – Proposed Foreshore Access Plan prepared by Tonkin & Taylor and dated March 2010 Figure 7 Construction Area Plan, prepared by Tonkin & Taylor and revised as part of the Environment Court decision on the land use consent (LAN-54602), dated 30 October 2012);
- (d) A post construction monitoring programme to monitor sand and associated stability levels over time, including any effects on the nearby boat launching area; and
- (e) Identification of the source of sand for any maintenance and replenishment proposed for either the artificial beach or high-tide bird roost site should the monitoring results indicate the need to maintain or replenish the beach or high-tide bird roost.

Note: In respect to (e) above, any works of this nature will be subject to the requirements of further resource consent.

16.6 Contamination

This aspect of the Construction Management Plan is to provide for the appropriate management of dredged materials to ensure that any contaminated material is identified and disposed of in a manner that avoids adverse effects on the environment. The plan shall include the following:

- (a) Measures to ensure that the dredged material that is to be disposed ~~within the off-site cleanfill or~~ within approved reclamations will be managed in such a way as to comply with the standards presented in the document "A Guide to the Management of Cleanfills" Ministry for the Environment (2002)".
- (b) A plan defining the specific area of the planned dredging, demonstrating either:
 - (i) The dredging area is wholly within an area containing uncontaminated sediment material which has been subject to sampling and analysis of the sediments undertaken; or
 - (ii) Any dredging from areas outside of the area defined in Condition 16.6(b) above have been analysed at a sampling rate of not less than one sample in every 120m³ (one per barge load). The analysis will include arsenic, cadmium, chromium, copper, cobalt, lead, mercury, nickel, tin, zinc and total petroleum hydrocarbons, PAH's and SVOC's. Any quantity of dredged material removed from the area adjacent to the Lees boat yard (if required) should initially involve at least 1 sample analysis for TBT (no minimum quantity). Ongoing TBT analysis shall be undertaken at a rate of 1 in every 240m³ (one per two barge loads) of non virgin material.

- (c) Measures to ensure that the acceptable level of any contaminant in all soils to be deposited as fill in the reclamations approved by this permit shall not exceed the local background level for that contaminant as specified in ARC Auckland Council Technical Publication 'Background concentrations of inorganic elements in soils from the Auckland Region', TP 153, October 2001.

Note: There is no acceptable level for TBT or organic contaminants in cleanfill.

- (d) Measures to ensure that all sampling and chemical analyses are carried out by suitably qualified personnel in accordance with the standards in the Ministry for the Environment Contaminated Land Management Guidelines No. 5, Site Investigation and Analysis of Soils (2004).

~~(e) Copies of the "Cleanfill Log" shall be supplied to the Manager on a six monthly basis for assessment throughout the period of earthworks. The cleanfill log shall include, but not be limited to, the following:~~

~~Registration number of the vehicle;~~

~~Date and time of arrival at the site;~~

~~Approximate size and volume (m³) of the load;~~

~~Source of cleanfill material; and~~

~~Soil testing results.~~

- (e) Measures to ensure that any material that does not meet cleanfill criteria is disposed to a consented landfill.

16.7 Capital and Maintenance Dredging

This aspect of the Construction Management Plan is to ensure that capital dredging (~~100,800~~104,600m³) and maintenance dredging (1,500m³/year) is designed and managed in a manner that avoids or minimises adverse water quality effects or adverse effects on coastal processes and shall include the following:

Capital Dredging

- (a) Measures to monitor and manage increased levels of suspended sediments or turbidity during the dredging operations within the navigation channel, the marina basin and barge landing site;
- (b) A detailed description and assessment of the proposed dredging methodology including type of dredging plant and equipment to be used, water quality standards, extent of mixing zones and relevant trigger levels, and how the dredging operations will achieve the environmental outcomes set out in AEE.

- (c) The methodology for the transportation of dredged materials ~~to the disposal site~~ including the proposed barge size and type; frequency of barge movements; availability of a back-up barge (in case of failure); and navigation and safety measures. This aspect of the Construction Management Plan shall be prepared in consultation with the ~~ARC & RDC~~Auckland Council Harbourmaster.

Maintenance Dredging

The methodology for the maintenance dredging of the marina basin and marina channel including (but not limited to):

- (a) The triggers for maintenance dredging and associated frequency;
- (b) The testing regime for contaminants prior to any dredging disposal;
- (c) The method, location and the associated transportation associated with the disposal of dredged materials;
- (d) Confirmation of proposed volume to be dredged and disposed of;
- (e) The proposed reporting and notification of the ~~ARC~~Auckland Council for the results of monitoring and proposed programme of works associated with maintenance dredging.

16.8 Implementation

The approved Construction Management Plan shall be implemented and maintained throughout the entire period of the works to the satisfaction of the Manager.

17 **Restoration and Enhancement**

17.1 At the Marina Site

- a) Prior to the completion of the construction phase, the Consent Holder shall provide a Restoration & Enhancement Plan for the marina site to the Manager for approval.
- b) The Restoration & Enhancement Plan is to outline the measures, methodology and timetable for restoring and enhancing affected parts of the CMA to their pre-existing and/or enhanced state as set out in the AEE and revised ~~Tonkin & Taylor Figure 15A Proposed Foreshore Access Plan presented at the reconvened hearing~~ Figure 7 Construction Area Plan, prepared by Tonkin & Taylor and revised as part of the Environment Court decision on the land use consent (LAN-54602), dated 30 October 2012.
- c) The Restoration & Enhancement Plan shall include, among other things:
 - (i) The restoration of the northern most estuarine embayment to its pre-construction condition, including proposed planting of appropriate coastal saltmarsh vegetation,

- (ii) The restoration of the south-eastern margins of the marina site to reinstate the estuarine environment in that locality to their pre-construction condition.
- (iii) Measures for the restoration and enhancement of the back-shore shell/sand banks within the high-tide bird roost area adjacent to the marina site as generally identified and explained in the evidence and plans presented by Mark Poynter and Grant Pearce at the reconvened hearing, and following consultation with Department of Conservation avian ecology staff, and
- (iv) Methods for the removal of temporary structures used in construction activities in and along the CMA, and also to provide access across the low-tide channel from the Brick Bay catchment to the marina site, and how these areas shall be restored to their pre-construction condition.

17.2 All of the measures in the approved Restoration & Enhancement Plan shall be carried out to the satisfaction of the Manager.

18 Mooring Management

18.1 During the Construction Phase:

Prior to works commencing on the marina, the Consent Holder shall identify suitable locations, in consultation with, and to the satisfaction of the ARC/RDCAuckland Council Harbourmaster, for the storage of vessels resulting from the movement of moorings to allow construction work and the transport of dredge materials.

Where there are no suitable locations available, the Consent Holder shall, in consultation with the ARC and RDCAuckland Council Harbourmaster, identify suitable alternatives for vessel relocation. The costs involved in mooring and vessel relocation, removal and storage shall be met by the Consent Holder for the duration of the construction phase.

18.2 On the Completion of the Marina:

Prior to occupation of the marina, the Consent Holder shall undertake a process in consultation with the ARC and RDCAuckland Council Harbourmasters whereby users of moorings that lay within the footprint of the proposed marina are to be relocated. Where the mooring holder is not taking a berth within the marina the following options shall be offered:

- (a) The mooring holder is offered a mooring site within the Sandspit MMA that has been vacated by a vessel taking a berth in the marina. All costs incurred in relocating the mooring shall be payable by the Consent Holder.
- (b) The mooring holder is offered a RDC an Auckland Council pile mooring within the Sandspit MMA that has been vacated by a vessel taking a berth in the marina.

- (c) The mooring holder is offered a pile mooring on the western side of the Glen Eden River channel adjacent to the floating wave attenuator. As offered by the Applicant, these berths shall be offered at an annual cost equal to the annual RDC an Auckland Council mooring fee plus 10%.

18.3 The Consent Holder shall confirm the matters and the processes to be followed in conditions 18.1 and 18.2 above in a Mooring Management Plan. The Plan shall also identify the organisation or person responsible for each item or task. The plan shall be to the satisfaction of the ARC and RDC Auckland Council Harbourmaster.

19. Marina Management Plan

Prior to the operation of the marina, the Consent Holder is to prepare a Marina Management Plan, to the satisfaction of the Manager, on matters related to the day to day operation of the marina and shall include the following:

- (a) A restriction on boat maintenance and repairs undertaken within the marina to avoid the release of contaminants to the coastal receiving environment;
- (b) A prohibition on discharges of waste into the CMA including: bilge water, fuel, sewage and litter;
- (c) A restriction on the maximum length of vessel to be berthed within the marina to no longer than 18m except where authorised in writing by the Harbourmaster;
- (d) A fuel and oil Spill Contingency Plan (including containment measures);
- (e) A fire contingency plan;
- (f) Measures (including signage and marina user agreements) to make berth holders aware that some berths will have limited depth at low tide;
- (g) The provision for fuelling of vessels and location of rubbish and recycling facilities and the frequency of servicing;
- (h) The provision for, location of storage and loading facilities and any associated equipment;
- (i) The provision for public access to the existing boat ramp and the marina (during daylight hours). There shall be unrestricted access to the rock breakwatergroyne. The Consent Holder shall make it clear that members of the public are welcome to visit all the piers but for health and safety reasons, the gates are locked. As such the public should be advised of the procedures for obtaining access to all the piers including how to contact the security guards and the location of the Marina Office.

20. Aids to Navigation Plan

The Consent Holder shall liaise with the Harbourmaster to evaluate the most appropriate location, number and type of aids to navigation to be established for the access channel and marina. The aids to navigation will be provided and maintained by the Consent Holder

in accordance with the Maritime New Zealand Guideline and Port and Harbour Safety Code.

21. Lighting Plan

The Consent Holder shall submit a lighting plan for the marina to the satisfaction of the Manager, prior to the operation of the marina. The lighting plan shall be prepared by an appropriately qualified lighting expert and shall include details of the purpose of any external lighting (including motion detection light fittings), the nature of the proposed light fittings and their placement, illuminance levels and means of ensuring their shielding (as appropriate) so as to avoid glare, especially to nearby residential dwellings.

22. Signage Plan

Prior to the operation of the marina, the Consent Holder is to evaluate the necessity to place signs on the approaches to and exit from the marina. Such signs may be necessary to remind water users of applicable bylaw requirements such as: the maximum 5 knot speed limit and the requirement to not generate wake. The Consent Holder shall consult the ~~ARC and RDG~~ Auckland Council Harbourmasters with regard to the location and design of any such signage and once approved by the Manager, the signage shall be erected and maintained by the Consent Holder.

23. Bio Security

23.1 Prior to the first use of any construction equipment/vessel at the site pursuant to this consent, the Consent Holder shall ensure the equipment is free of infestation by any unwanted or bio security risk species, and shall provide written certification of the equipment/vessel having been inspected and where necessary appropriately treated by way of best available practice. A copy of the certification shall be provided to the Manager on request. The Consent Holder shall not allow the use of any vessel under its control or direction, or otherwise associated with the construction of the marina:

- (i) That is not certified as having been treated and inspected as required by this condition, or
- (ii) That is showing any indication of being infected with any unwanted or risk species, including but not limited to Undaria.

23.2 The Consent Holder shall lodge a Biosecurity Management Plan with the Manager for approval prior to installation of any structure. The Plan shall address measures to avoid the introduction of any unwanted or risk species, including but not limited to Undaria, through the construction activity and to minimise any impacts through propagation on the marina ~~and dredging disposal landing area~~ if any such species are introduced, and shall include details regarding the cleaning and inspection of vessels brought into the subject site and immediate surrounding area.

- 23.3 The Biosecurity Management Plan shall have the following objectives:
- i) To avoid the introduction of any unwanted or risk species, including but not limited to Undaria, into the Matakana River through the construction activities.
 - ii) To detect any introduced populations of any unwanted or risk species through construction/operation.
 - iii) To reduce any unwanted or risk species, including but not limited to Undaria, spreading from the construction locations and structures to the Matakana Estuary should any such species establish at the Marina or barge landing area.
 - iv) To ensure effective treatment of all the equipment used in association with the marina construction to ensure it does not become a vector for the spread of any unwanted or risk species, including but not limited to Undaria.
- 23.4 The Biosecurity Management Plan shall be reviewed annually by the Consent Holder for the purpose of determining whether the terms are adequate to meet the objectives set out in condition 23.3, having regard to any change in circumstances. Any amendments to the Biosecurity Management Plan shall be approved by the Manager.
- 23.5 The Consent Holder shall include in its marina rules, a section on biosecurity which describes and where necessary provides the following information:
- (i) A manual available to users which photographically identifies key likely biosecurity risk organisms, to the extent that such descriptive identifying information can be provided by the ARCAuckland Council;
 - (ii) Expectations on users of the marina as to the frequency, extent and location of hull cleaning activities and other equipment used in the CMA;
 - (iii) Contacts in the event the users of the marina need assistance and/or advice regarding fouling organisms;
 - (iv) A policy regarding cooperation with the statutory agencies responsible for surveillance, surveys and control of unwanted or risk species;
 - (v) A rule which facilitates exclusion from the marina of vessels or equipment which become known to harbour unwanted or risk species until such vessels/equipment can be certified as having been appropriately treated.
- 23.6 A copy of the Biosecurity section of the marina rules shall be provided to the Manager for approval.

24. **Pest Management Plan**

The Consent Holder shall prepare a pest management plan for the marina and all vessels moored within it and all land-based, loading storage and parking areas and shall incorporate (but is not limited to) the following:

- a) Provision of vermin-proof garbage and recycling storage and collection facility on the Sandspit Yacht Club site;
- b) Measures for the control of exotic pests (including possums, cats, rodents, mustilids and rabbits) and measures to prevent them from entering the Hauraki Gulf and its islands from the marina; and
- c) Consultation with the Sandspit Residents and Ratepayers Association with regard to its existing predator management programme.

25. Monitoring Programme

25.1 Construction Activity Monitoring

Prior to the operation of the marina, the Consent Holder is to submit to the Manager for approval, a monitoring programme for the works within the CMA. The monitoring programme is to provide details of environmental monitoring procedures, agreed trigger levels or indicator thresholds of acceptable effect, and to establish response procedures should those thresholds be breached. This programme shall provide information on monitoring of the marina construction including the following activities:

- (a) Dredging of the marina basin, ~~and navigation channel and barge landing site~~;
- (b) Construction of the rock ~~breakwater~~ groynes;
- (c) Construction of the marina revetment wall and northern seawall; and
- (d) Construction of the rock rip-rap walls and sheet piling to encapsulate areas of reclamation at the marina ~~and at the dredging disposal site~~.

25.2 The monitoring section shall provide details of the following:

- (a) The dimensions of an appropriate mixing zone at which the relevant trigger levels will apply;
- (b) Appropriate monitoring sites (including sites within and at the mixing zone boundary, and at least one control location) for regular and intensive monitoring procedures;
- (c) Sampling procedures six months prior, during and following construction to obtain representative information on turbidity and/or suspended solids levels, but which may also include oblique photographs;
- (d) Suitable trigger levels which if breached indicate that activities are likely to be causing excessive discharges of contaminants to the harbour environment;
- (e) 'Regular' monitoring procedures to provide routine feedback on the effects of dredging activities;

- (f) Detailed 'intensive' monitoring procedures, intended to verify the nature of threshold exceedance, that may be initiated following any breach of trigger levels;
- (g) Sample analysis procedures;
- (h) Reporting timeframes and procedures;
- (i) Response procedures, if regular monitoring shows turbidity / suspended solids levels exceed trigger levels from marina basin dredging, ~~land based disposal of dredged materials~~ or maintenance dredging, including:
 - (I) timely provision of alternative explanations to the satisfaction of the Manager, if dredging is not considered to be the cause of the exceedance,
 - (II) initiation of more intensive monitoring procedures,
 - (III) liaison with the Manager over response options, and approval of selected options, if intensive monitoring confirms exceedance of triggers,
 - (IV) identification of contingency options for response to trigger exceedance,
 - (V) a process of verifying, to the satisfaction of the Manager, that any response option implemented following trigger exceedance during intensive monitoring has satisfactorily addressed the problem,
 - (vi) the decision making process that allows monitoring to return to regular monitoring procedures.

25.3 Water Quality and Marine Life Monitoring

25.3.1 Six months prior to commencement of works, the Consent Holder shall submit to the Manager for approval a water quality monitoring programme which provides for baseline monitoring prior to commencement of works, during construction and thereafter for the marina site of the following:

- (i) Measurement and analysis of bacteriological and viral indicators of human sewage in the water, trace metals (copper, lead and zinc) and organic booster biocides in the sediments, and trace metals in the stormwater discharges, along with appropriate review provisions.
- (ii) summer (peak period) monthly microbiological indicators for human sewage; and
- (iii) annual stormwater discharge monitoring for copper and zinc; and
- (iv) biennial sediment sampling for copper, lead and zinc.

25.3.2 The monitoring in the approved water quality monitoring programme shall be carried out by the Consent Holder, and findings shall be submitted to the Manager on a regular basis in accordance with the programme.

~~26. Barge Landing Facility Hours of Operation~~

~~During the daylight savings period use of the barge landing facility shall be restricted to the hours of: Monday to Saturday 06.30 am to 08.00 pm, Sundays 7.30am to 06.00pm. There shall be no barge movements during all public holidays.~~

~~During all other times, the activity shall be restricted to operating between the hours of:~~

- ~~• Monday to Saturday 06.30 am to 06.00 pm,~~
- ~~• Sundays and all public holidays 7.30am to 06.00pm~~

~~The daylight saving hours shall be those identified each year on the Department of Internal Affairs website.~~

~~The Consent Holder shall keep a written record of use of the barge landing facility and provide a copy of the record to the Manager within one week following the last day of each month.~~

~~27. Barge Landing Facility Restricted Use~~

~~The barge landing facility shall only be used for the unloading of capital dredgings from the consented marina at Sandspit and the unloading and loading of goods and materials used on the adjoining farm site.~~

POST CONSTRUCTION

- ~~28~~26. The Manager shall be notified in writing of the expected date of completion of the works at the marina site ~~and at the disposal site~~, 10 working days prior to the expected completion date.
- ~~29~~27. Within one week following the completion of the works, all damage and disturbance to the foreshore and seabed shall be remedied, and all equipment, surplus soil and construction materials removed from the CMA, to the satisfaction of the Manager, such that any remaining disturbance of the foreshore and seabed is able to be rectified by the operation of natural processes within seven days.
- ~~30~~28. Within one month of the completion of the proposed works, a complete set of "as built" plans shall be supplied to the Manager.
- ~~34~~29. A copy of the "as built" plans shall be supplied to the Hydrographic Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the works.
- ~~32~~30. All structures permitted to occupy the CMA by this consent shall be maintained at all times in a good and sound condition and subject to a regular monitoring programme which includes undertaking annual inspections of the marina structures to identify any maintenance which maybe necessary. This will ensure structural competence of the marina is maintained into the future. Any repairs that are necessary shall be undertaken subject to obtaining any necessary resource consents.

31. Noise emissions from the operating marina shall comply with Rule 35.5.1 of the Auckland Council Regional Plan (Coastal) (or any other relevant rules).

3332. Marina Rules

- (a) The Consent Holder shall, prior to occupation and use of the marina, lodge a set of marina rules with the Manager for approval. The rules shall be based on the Orakei Marina and Kerikeri Cruising Club rules submitted in the AEE and cover amongst other items, the control of boats, safety restrictions, noise nuisance, pest control, pollution control, refuse, swimming, visitor access to berths, limiting the number of over-night stays on vessels to no more than two consecutive nights and use of the sewage pump-out facility.
- (b) The Consent Holder shall ensure that the rules are on display at all times in clear public view within the marina and the Manager is advised of any changes to the rules. Any amendments to the marina rules must be approved by the Manager in writing prior to any amendment being implemented.

Specific Condition for Permit 36429 (Dredging Disposal Site)

~~The following conditions relate to the proposed works at the dredging disposal site.~~

~~34. Pre-Works Requirements~~

~~All personnel working on the marina and land based disposal sites shall be made aware of and have access to the contents of this consent document and the associated erosion and sediment plan and methodology.~~

~~35. Relevant Documents~~

~~Erosion and sediment control measures shall be carried out in accordance with those described in Land Use Consent Sediment Control Application No. 36429 and outlined on plan numbers 23250-02 to 11 (latest revisions) prepared by Tonkin and Taylor Ltd and dated March, 2009 all supporting documents and specifications, in accordance with the detailed site Erosion and Sediment Control Plan approved in accordance with condition 36 below and as identified in all other resource consent conditions below.~~

~~36. Erosion and Sediment Control Plans~~

~~Detailed erosion and sediment control plans for the proposed earthworks activities shall be submitted to ARC for review and approval by the Manager no less than 20 working days prior to the proposed start of earthworks commencing within these areas. The detailed erosion and sediment control plans shall be in accordance with the documents referred to in condition 35 and all other consent conditions below. Information supplied shall include but is not limited to:~~

- ~~(a) Contour information at suitable intervals;~~
- ~~(b) Erosion and sediment controls including specific design;~~

- ~~(c) — Supporting calculations;~~
- ~~(d) — Catchment boundaries for the sediment controls;~~
- ~~(e) — Location of the works, and earthworks operations;~~
- ~~(f) — Details of construction method to be employed including timing and duration to comply with the specified staging and progressive stabilisation requirements;~~
- ~~(g) — Monitoring and maintenance schedules; and~~
- ~~(h) — Details of parties responsible for erosion and sediment control management.~~

~~37 — Any amendments to the erosion and sediment control methodology must be approved by the Manager in writing prior to any amendment being implemented.~~

~~38 — Erosion and sediment control measures shall be constructed and maintained in accordance with TP90 and any amendments to this document, except where a higher standard is detailed in the documents referred to in Condition 36 above, in which case this higher standard shall apply.~~

~~39 — All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion.~~

~~40 — All perimeter controls shall be operational and approved by the Manager prior to earthworks commencing.~~

~~41 — Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Manager to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plan as specified in conditions 36 and 37 of this consent. Certified controls shall include the sediment ponds, decanting earth bunds, silt fences and diversion channels/bunds. The certification for these measures shall be supplied immediately upon completion of construction of these measures.~~

~~Information supplied if applicable shall include:~~

- ~~(a) — Contributing catchment area;~~
- ~~(b) — Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);~~
- ~~(c) — Shape of structure (dimensions of structure);~~
- ~~(d) — Position of inlets/outlets; and~~

~~42. — The following condition relates to the stabilisation of the structure:~~

- ~~(a) — All diversions greater than 2% in gradient shall be stabilised with geotextile or rock armour;~~

- (b) ~~Accumulated sediment shall be removed from sediment retention devices before the sediment reaches 20% of the live storage capacity of the ponds;~~
- (c) ~~Sediment removed from treatment devices shall be placed on stable ground where the sediment will not re-enter the device or be washed into any watercourse;~~
- (d) ~~All necessary measures shall be installed and operated to prevent the deposition of slurry, clay or other materials on the roads by vehicles leaving the site. Should material be deposited on the road it shall be removed immediately to the satisfaction of the Manager.~~

43. ~~Flocculation Management Plan~~

- (a) ~~The sediment retention ponds are to be chemically treated in accordance with the Flocculation Management Plan (FMP) required under condition 42(b) of this consent;~~
- (b) ~~Prior to the commissioning of flocculation the Consent Holder shall provide ARC with a FMP, for the approval of the Manager. The FMP shall include as a minimum:~~
 - (i) ~~Specific design details of flocculation system;~~
 - (ii) ~~Monitoring, maintenance (including post-storm) and contingency programme (including a Record Sheet);~~
 - (iii) ~~Details of optimum dosage (including assumptions);~~
 - (iv) ~~Results of the initial flocculation trial;~~
 - (v) ~~A spill contingency plan; and~~
 - (vi) ~~Details of the person or bodies whom will hold responsibility for long-term maintenance of the flocculation treatment system and the organisational structure which will support this process.~~
- (c) ~~Any amendments to the FMP shall be approved by the Manager, in writing, prior to implementation.~~

44. ~~Stabilisation~~

~~The site shall be stabilised against erosion in a progressive manner as earthworks are finished over various areas of the site. Specifically:~~

- (i) ~~The haul road construction activities shall be carried out to ensure that no greater than 100m of the haul road alignment is exposed at any one time;~~
- (ii) ~~The dredging disposal activities shall be carried out in two specific stages as outlined in the application documents;~~
- (iii) ~~The dredging disposal activities shall be carried out to ensure that no greater than 1ha of exposed soil surfaces are exposed on site at any one time. Specifically, completed surfaces within each hectare of works shall be fully stabilised prior to~~

~~opening another hectare. Appropriate stabilisation techniques shall include 80% grass cover, hay mulching, aggregate, secured geotextile fabric.~~

- ~~(iv) If requested by the Manager, a site survey shall be carried out to confirm that exposed areas on site at any one time are within the thresholds specified in conditions 44 (i) and 44 (iii).~~

45. ~~Seasonal Restriction~~

- ~~(a) No vegetation removal or earthworks on the site shall be undertaken between 30 April and 1 October in any calendar year, without the written approval of the Manager. Earthworks in this regard refers to bulk earthworks (cut/fill/waste) associated with the site.~~
- ~~(b) Revegetation/stabilisation shall be completed by 30 April in the year of bulk earthworks in accordance with measures detailed in TP90 and any amendments to this document, unless a later date is approved in writing by the Manager at least two weeks prior to 30 April.~~

46. ~~Abandonment of Works~~

~~If the Consent Holder abandon work on site, it shall first take adequate preventative and remedial measures to control sediment discharge, and shall thereafter maintain these measures for so long as necessary to prevent sediment discharge from the site. All such measures shall be of a type, and to a standard, which are to the satisfaction of the Manager.~~

Stormwater Discharge Conditions at the Marina Site

47.33. Relevant Documents

- (a) The stormwater management system shall be constructed as shown on the plans received by ARC dated September, 2008 prepared by Tonkin & Taylor. Any amendments that may affect the capacity or performance of the stormwater management system shall be approved by the Manager in writing, prior to construction.
- (b) ~~In particular, this requires that the following stormwater management works are constructed for the following catchment areas and design standards (as defined by TP10 and TP108) and they are completed prior to discharges commencing from the site:_____~~

Works	Catchment area-impervious	Catchment area-pervious	Design Standard
Haul Rd	3000m ²	various	Sheet flow to grass filter strip. 75% suspended solids removal.

- (c) That notwithstanding Condition 46 (a) & ~~(b)~~ the stormwater system shall be constructed and maintained so as to minimise erosion, risk of obstruction to any waterway and hazards to safety.
- (d) A pre-construction site meeting shall be arranged and conducted between ARC Auckland Council officers and all relevant parties, including the site stormwater engineer, with regard to the stormwater management works, at least five working days prior to commencing construction of the stormwater management system on the site. Any resulting amendments to the stormwater management system shall be reviewed by Manager at the time and shall be approved in accordance with Condition 47 (a) above.
- (e) The following information shall be provided at a pre construction meeting as required by Condition 47(d) above:
 - (i) Expected timeframe for completion of the works authorised under this consent;
 - (ii) Operation and maintenance of the stormwater management system during construction activities; and
 - (iii) Contact details of the site contractor and site stormwater engineer.
- (f) A post construction site meeting shall be arranged and conducted within 30 days of completion of installation and prior to operation of the stormwater management works between the Manager and all relevant parties, including the site stormwater engineer. As-Built Plans shall be available for this meeting.

4834. Overland Flowpaths

- (a) Stormwater flows in excess of the capacity of the primary drainage systems, shall be provided and maintained to allow surplus stormwater from critical storms, up to the 100 year ARI event, to discharge with the minimum of nuisance and damage.
- (b) Major overland flow paths shall be kept free from significant obstructions such as buildings, and solid fences.

Note: *The Consent Holder shall encourage other land owners to similarly keep major overland flow paths free from significant obstructions such as buildings, and solid fences.*

- (i) Any concentrated stormwater flow paths shall incorporate erosion protection measures to minimise the occurrence of channel erosion and scour.

4935. Certification of Construction Works

As-Built plans of the stormwater management works shall be supplied to the Manager within 30 days of practical completion, which are certified as a true record of the stormwater management system by a Chartered Professional Engineer. The as-built plans shall include, but not be limited to:

- (a) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of the New Zealand Map Grid and LINZ datum.
- (b) Location, dimensions and levels of the major overland flowpaths including cross sections and long sections.
- (c) Plans and cross sections of all stormwater management devices.
- (d) Documentation of any discrepancies between the design plans and the As Built plans.

5936. Operation and Maintenance Plan

An Operation and Maintenance Plan (OMP) for the stormwater management works shall be submitted to the Manager for written approval within 30 days of the completion of installation of the stormwater management system. The OMP shall include, but not be limited to:

- (a) Details of the parties responsible for the ongoing maintenance of the stormwater management devices.
- (b) Details of proposed planting, flow management and maintenance measures for the base of the attenuation ponds to ensure potential erosion effects and weed growth is effectively managed.
- (c) A programme for regular maintenance and inspection of works authorised under Condition 47 of this consent.
- (d) A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices.
- (e) A programme for inspection and maintenance of outfall erosion.
- (f) A programme for post storm maintenance.
- (g) General inspection checklists for all aspects of the stormwater management system.
- (h) Any amendments to the OMP shall be approved by the Manager in writing, prior to implementation.
- (i) The stormwater management works shall be managed in accordance with the OMP which has been approved by the Manager and as specified in Condition 50.
- (j) Access arrangements (including any easements if necessary) shall be in place allowing the person(s) or body responsible for long-term operation and maintenance of the stormwater management system to carry out their responsibilities.

5437. Review Condition

For permit numbers ~~34730, 36429, 36427 and 3642940009~~ and 41065 the conditions of consent may be reviewed by the ARC Auckland Council pursuant to Section 128 of the Resource Management Act 1991, (with the costs of the review process being borne by the

Consent Holder), by giving notice pursuant to Section 129 of the Act, in one or more of the following times:

- One year following the commencement of the consent;
- Two years following the commencement of the consent;
- Three years following the commencement of the consent;
- And/or at five yearly intervals after either the date of that review (if such review occurs) or after June 2013 whichever is the earlier.

The purpose of the review may be for any of the following purposes:

- (a) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:
 - (i) Insert conditions, or modify existing conditions, to require the Consent Holder to identify the character or nature of any discharges authorised by this consent, and to report the results of that monitoring to the ARCAuckland Council; and/or
 - (ii) Insert conditions, or modify existing conditions to require the Consent Holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to the ARCAuckland Council;
 - (iii) The conditions may relate to the matters contained in section 108(4) of the Resource Management Act 1991 or any Act in substitution thereof.
- (b) Insert conditions, or modify existing conditions, requiring the Consent Holder to adopt the Best Practicable Option to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Note: For the removal of doubt, purpose (b) of a review may include the need to achieve consistency with performance measures implemented on catchment wide discharge consents for the area; and investigate the necessity of modifying or enhancing existing treatment or management systems should the results of receiving environment monitoring indicate that the discharges authorised by this Consent are causing or exacerbating the occurrence of adverse effects in the receiving environment.

ADVICE NOTES

1. It is advised that all relevant provisions of the Building Act 2004 shall be complied with.

2. Administrative charge fixed in accordance with Section 36(1) of the Resource Management Act 1991, or any additional charge required pursuant to Section 36(3) of the Resource Management Act 1991 shall be required to be paid in respect of this consent.
3. The date of the commencement of this consent will be as determined by Section 116 of the Resource Management Act 1991, unless a later date is stated as a condition of consent. The provisions of Section 116 of the Resource Management Act 1991 are summarised in the covering letter issued with this consent.
4. Section 125 of the Resource Management Act 1991 relates to lapsing of consents. This resource consent lapses on the date specified in the ~~consent~~ original resource consents, or if no date is specified, 5 years after the date of commencement of ~~this consent~~ the original resource consents, unless the consent is given effect to or other criteria contained within Section 125 are met.
5. Pursuant to Section 126 of the Resource Management Act 1991, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the ~~ARC~~ Auckland Council unless other criteria contained within Section 126 are met.
6. This consent may be transferred to any other person by advising the ~~ARC~~ Auckland Council in writing in accordance with Section 135(1)(a) of the Resource Management Act 1991. A fee is payable at the time of transfer to cover the cost of administration.
7. During the construction period, the noise restrictions as outlined in the Auckland Council Regional Plan: Coastal and the relevant District Plan shall be complied with.
8. Any works in the part of the coastal marine area beyond that subject to this consent, shall not be modified or extended without first obtaining any other resource consents for such works which are required.
9. Any disposal of maintenance dredging may require a separate resource consent.