

Pursuant to sections 108 and 127 of the Act, conditions 1, 15a, 36, 37 and 40 of LAN-54602, are varied as set out below (with deletions in strikethrough and additions double underlined).

#### LAND USE CONDITIONS (LAN-54602/4)

Conditions 1, 15a, 36, 37 and 40 are amended, with additions shown as double underlined and deletions are ~~struck through~~.

##### 1. (General)

The development shall proceed in accordance with the application submitted, and the following plans:

- (a) Titled '~~SYCMS Aerial Photograph Showing Marina~~ Sandspit Marina Revised Marina & Northern Beach', drawn by Tonkin & Taylor, labelled Figure 4 ~~201~~ and dated ~~July 2014~~ September 2012;
- (b) Titled '~~SYCMS Sandspit Marina Berth Layout Plan~~', drawn by Tonkin & Taylor, labelled ~~Figure 2~~ and dated ~~July 2014~~ New Marina: Marina Layout Plan, drawn by Pacific Pontoon & Pier Ltd., labelled Dwg No. 1067 SK-01 and dated 17 April 2012;
- (c) Titled 'SYCMS Sandspit Marina Parking Plan', drawn by Buckton Consultants Ltd, labelled 6448 Pk 17 Rev A and dated 19 September 2012;
- (d) Titled 'Proposed Sandspit Marina – Overall Landscape Concept Plan', drawn by Hawthorn Landscape Architects, labelled HLA 1 Figure 1 and dated 11 July 2012;
- (e) Titled 'Sandspit Marina – Wharf Landscape Plan' drawn by Hawthorn Landscape Architects, labelled HLA -2 and dated 16 April 2012;
- (f) Titled 'SYCMS - Sandspit Marina – Construction Area Plan', drawn by Tonkin & Taylor Ltd, labelled Figure 7 and dated ~~March~~ October 2012;
- (g) Titled 'SYCMS – Sandspit Marina - Restoration & Enhancement Plan' drawn by Tonkin & Taylor Ltd, labelled Figure 9 and dated March 2012;
- (h) Titled 'SYCMS – Sandspit Marina – ~~Breakwater~~ Typical Section Northern Beach Site Plan, Northern Beach & Groyne Sections & Headland Groyne Sections drawn by Tonkin & Taylor Ltd, labelled Figures ~~11~~ 202, 203 & 204 and dated ~~March~~ October 2012;
- (i) Titled 'SYCMS – Sandspit Marina Boardwalk Footpath & Esplanade Area Plan' drawn by Buckton Consultants Ltd, labelled 6448 Pk18 and dated 10 July 2012;
- (j) Titled 'SYCMS – Sandspit Marina – Timber Boardwalk Detail ' drawn by Tonkin & Taylor Ltd, labelled Figure 10 and dated April 2012;

- (k) Titled Sandspit Marina - Land Based Facilities – Overall Development Plan drawn by Andrew Stewart Ltd & Hawthorn Landscape Architects, numbered AA00323 – Rev 1 and dated 13 July 2012.

Note: (Other Resource Consents) This resource consent should be read in conjunction with resource consents granted by the former Auckland Regional Council (34730) and the Minister of Conservation (36427) for the marina project.

Note: (Building Consent) The granting of this resource consent does not preclude the consent holder from the need to obtain any necessary building consents prior to construction commencing.

Note: Draft Parking Management Plan (Condition 14) dated 16 April 2012 has been prepared.

Note: Draft Construction Management Plan (Condition 15(a)) dated April 2012 has been prepared.

## 2. (Resource Consent and Monitoring Charges)

The resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with initial charges for the following inspections:

- Environmental protection      2 x site visit.
- Engineering                      2 x site visit
- Landscape                        2 x site visit

Monitoring deposits will be invoiced by the Council together with the consent processing charges.

Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred for this monitoring as set out in the Council's Schedule of Fees and Charges.

## 3A. (Detailed Engineering Design & Certification)

The consent holder shall provide to the Council Resource Consents & Compliance Manager for approval at least 40 days prior to any construction works, detailed engineering design and drawings of the structures, works and specifications of the land based marina facilities, including:

- (a) The improved site access and extended parking areas on the site (Ref Conditions 6 & 7);
- (b) The alterations to the existing electricity, stormwater, sewerage, and other services, along with any additional services, such as an electricity transformer, that may be required;

- (c) The boardwalk, footpath and other pedestrian facilities, including the painted areas and signage adjacent to the boat ramps (Ref Condition 38);
- (d) The landward end of the breakwater (Ref Condition 40).

The detailed engineering design and drawings shall be in accordance with the plans and specifications attached to this decision and shall be prepared by a Chartered Professional Engineer.

A Chartered Professional Engineer shall certify that land based facilities have been constructed in accordance with the Council approved engineering plans.

### 3. (Notification of Construction Commencement)

At least 7 days prior to the construction work commencing the resource consent holder shall notify the Council's Resource Consents & Compliance Manager by telephone and in writing the expected date that the construction works are scheduled to commence.

### 4. (Exposure of Archaeological Artefact)

If any artefact, including human remains is exposed during any site works the following procedures shall apply:

- (a) Immediately when an artefact has been exposed, all site works shall cease; and
- (b) The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are untouched; and
- (c) The site supervisor shall notify tangata whenua, the New Zealand Historic Places Trust, the Department of Conservation and the Council's RMA Compliance Administration Officer (telephone 0800 426 5169) and in the case of human remains the Police, that an archaeological site has been exposed, so that appropriate action can be taken. This includes such people being given a reasonable time as determined by the Council to record and recover the archaeological features discovered before work may recommence on the site.

### 5. (Stormwater)

All stormwater discharges from the site, shall be controlled and discharged through a consented system such that there is no adverse effect on adjoining public or private lands. Stormwater discharges to receiving waters from the site shall be designed in accordance with TP 10 and integrated with the landscape and parking plans.

Prior to commencing construction works on the site the consent holder shall submit to the Council Resource Consent & Compliance Manager for approval a stormwater drainage plan and report from a Chartered Professional Engineer.

### 6. (Parking)

- (a) Permanent parking shall be provided as generally detailed in the attached Parking Plan and to the minimum dimensions required by Rule 21.10.2 of the District Plan and Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise. Effective provision is to be made for disabled parking adjacent to the marina and club building. Suitable provision is to be made for pedestrians and drivers in the vicinity of the boat ramp and any signage or management measures required in this location.
- (b) In peak holiday periods and during events and functions room for temporary carparking and car/trailer parking shall be provided in Areas A and B shown on the above mentioned plan and in accordance with the Parking Management Plan in Condition 14. During these peak periods and events/function a Parking Manager shall be resident on site to administer the plan.
- (c) The consent holder shall make the permanent and temporary parking spaces available to all service vehicles using the site, along with all vehicles that are transporting SYC members and their visitors to and from the marina.
- (d) The consent holder shall make available to casual boat ramp users (except during peak holiday periods and events defined in the Parking Management Plan) at least 5 of the 14 required permanent car and trailer parking spaces. The consent holder may require payment of a fee for use of these parking spaces by non SYC members, but the fees shall not exceed those in place at the Council carpark by the wharf.
- (e) The consent holder shall at all times maintain a sign on the site advising casual boat ramp users, people in service vehicles and marina berth users of the parking available on site. The sign is to also advise casual boat ramp users when parking is not available on the site and directing them to the Council carpark by the wharf. The final wording of this sign shall be included in the final Parking Management Plan.
- (f) Car parks 35 to 41 (on the SYC wharf) shall be marked out and shall not be available for use until all other permanent car parks are first occupied. The Consent Holder shall implement management of the car parking area to ensure compliance with this condition.
- (g) The permanent parking spaces shall be designed and laid out and controlled (i.e. with wheel stops where appropriate) to ensure parked vehicles do not overhang any adjacent footpaths.

#### 7. (Access & Parking Area Formation)

- (a) All access, parking and manoeuvring areas shall be formed and paved in a permanent dust free (not metal) surface and marked, in accordance with Rule 21.10.2 of the District Plan and to the Council's "Standards for Engineering Design and Construction", prior to the commencement of the activity,
- (b) The vehicle driveway through the boat hardstand to the western reclamation parking area shall be marked out with paint and maintained as such and remain clear of parked vehicles, boats and other obstructions at all times.

8. (Review Condition)

Pursuant to section 128 of the Act, the Council may serve notice on the consent holder of its intention to review conditions 6, 7, 14 and 35 of this consent:

- (a) For the entire construction period and
- (b) For a period commencing when the consent commences until 2 years (including at least two summers) following the date on which 95% of the marina berths are occupied for the purpose of ensuring that the operation of the marina/clubhouse access and parking arrangements do not adversely affect the roading network.

The actual and reasonable costs incurred by the Council in undertaking this review and remedying any adverse effects shall be paid by the resource consent holder within one month of being invoiced.

9. (Silt Retention)

Before the commencement of any work on site, adequate silt retention structures as detailed in the Auckland Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region", or as otherwise required by the Council shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been established or re-established over the site.

10. (Protection of Roads)

All necessary measures shall be provided or implemented to prevent the deposition of any slurry, clay or other materials on the roads by vehicles leaving the site. Should any of such material be deposited on the road, the excavation and earthworks shall cease immediately until it is removed and adequate measures installed on-site to prevent further deposition to the satisfaction of the Council's Resource Consents & Compliance Manager.

11. (Dust Control)

All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:

- (a) The staging of areas of the works;
- (b) The retention of any existing shelter belts and vegetation;
- (c) The installation and maintenance of wind fences and vegetated strips;
- (d) Watering of all haul roads and manoeuvring areas during dry periods;
- (e) Spraying of load dumping operations;
- (f) Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

12. (Earthworks Design)

All earthworks and retaining structures shall be specifically designed and generally supervised to the "Standards for Engineering Design and Construction" or to a suitable standard fit for the purpose by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the geotechnical report, prepared by Tonkin and Taylor Ltd, reference 23250, dated June, 2008.

13. (Construction Noise)

- (a) All noise from the approved works shall comply with and be assessed in accordance with the provisions of Table 2 in the New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" for construction noise received in residential zones and being of a long term duration (greater than 20 weeks).
- (b) The Consent Holder shall submit to the Resource Consents and Compliance Manager for approval a noise monitoring programme which identifies the monitoring to be undertaken during the various stages of the project in accordance with NZS 6803:1999. The noise monitoring shall include, but not be limited to, at least two residential properties in the immediate vicinity of the construction site with a clear view of the construction activities, at least one property in the Rainbows End area with a clear view of the construction activities whose owners do not have a financial interest in the proposed marina and the area zoned Open Space immediately adjacent to the Sandspit Yacht Club lease area.
- (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 Resource Consents & Compliance Manager and the Community Liaison Group on the dates identified in the approved programme.

14. (Parking Management Plan)

- (a) At least three months prior opening of the marina the Consent Holder shall submit to the Resource Consents & Compliance Manager for approval a Parking Management Plan based on the draft Parking Management Plan.
- (b) The approved Parking Management Plan shall at all times be implemented to the satisfaction of the Council.
- (c) The Parking Management Plan shall include provisions to achieve parking of all yacht club vehicles at peak times of the year, and to provide casual parking in off-peak periods as set out in condition (6) of these conditions.

15. (Construction Management Plan)

- (a) Prior to the commencement of any works on the site, the Consent Holder shall have submitted a Construction Management Plan to the Resource Consents & Compliance Manager, and shall have received written approval thereof. A copy of the plan shall also be set to the Community Liaison Group.

The plan shall be based on the draft Construction Management Plan annexed and include:

- Copies of this Consent and any other Resource Consents issued in respect of the operations;
- A plan of the property detailing legal boundaries, the staging areas to be excavated/filled including any stockpile locations, the entry/exit to the road, including traffic control measures and safety provisions, on-site access provisions;
- Photographs and other information on the current state of the Council areas to be affected by construction.
- Any sealed reserve areas (that are to be strictly confined) where construction equipment and plant is to be stored (for the shortest possible duration)
- The location, extent and expected use of defined vehicle access points through the reserve and from the reserve onto the foreshore. Construction vehicles shall access the CMA and foreshore only via those points shown on the attached Tonkin and Taylor Construction Area Plan.
- Measures to avoid unnecessary vehicle movements along the foreshore and disturbance to wildlife. These may include restricting machinery access on the foreshore area east of the marina basin seawall during periods when wildlife use of the foreshore bird resting area is less prevalent ie July to mid-December – up to three hours each side o high tide and during construction contractors must not park any equipment or drive onto Dean’s Island or enter the saltmarsh areas on foot;
- Operation hours of construction activities;
  - Measures to control and/or prevent construction traffic during public holidays, weekends and weekday morning and afternoon/evening busy traffic periods associated with schools and commuters between the hours of 8am-9am and 3pm-4.30pm.
  - Measures to coordinate the importation of materials to the marina site with the removal of materials from the site during peak traffic periods;
- Measures to ensure the delivery and unloading of rock for the rock groyne and northern seawall breakwater can only take place between 9.00am and 4.00pm Monday to Friday.
- Measures to minimise the number of truck (especially truck and trailer units) movements to the site and maximise the use of barge and other water borne craft during construction.

- Measures to ensure safe and effective pedestrian access along the road adjacent to the site and related signage ;
  - Details on how the existing coastguard area is affected and the means for ensuring the coastguard is able to effectively operate from a suitable site throughout the construction period;
  - Details of how each consent condition related to marina construction is to be met on an on-going basis;
  - The supervision and operation of the site, including the contact details of the project engineer/manager and a specifically appointed community liaison person;
  - The proposed sequence and timing of construction operations.
  - The consultation carried out with, and any written comments received from, the Community Liaison Group.
- (b) A copy of the approved Construction Management Plan and the relevant approval letter shall be held on the site. Once approved, the Construction Management Plan shall be strictly adhered to at all times.
- (c) The construction area shall be limited to the area shown on the attached Construction Area Plan.

16. (Health and Safety Plan)

A detailed Health and Safety Plan to the requirements of the Health and Safety in Employment Act 1992, specifically addressing control of works on and adjacent to public land, and the protection of the public, shall be submitted to the Resource Consents & Compliance Manager prior to the commencement of any works on the site (refer s.109.1 of the "Standards for Engineering Design and Construction"). A copy of the Health and Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with at all times until such time as the works are completed.

17. (Works on Public Land Including Restoration & Enhancement Plan )

- (a) Prior to the completion of the construction phase, the Consent Holder shall provide a Restoration & Enhancement Plan for the marina site to the Community Liaison Group for comment before forwarding to the Resource Consents & Compliance Manager for approval. The Restoration & Enhancement Plan shall be based on the draft Restoration and Enhancement Plan annexed. It is to outline the measures, methodology and timetable for restoring and enhancing affected parts of the adjoining public land, including reserves and legal roads.

The Restoration & Enhancement Plan shall include, among other things:

- (i) Details on the restoration of the land adjacent to Council carpark area to its pre-existing elevation and to restore and enhance by planting appropriate coastal



vegetation. The pre-existing situation shall be documented by photographic and survey records.

(ii) Details on the restoration of the south-eastern margins of the marina site adjacent to the eastern reclamation to reinstate the environment in that locality to pre-existing elevations. The pre-existing situation shall be documented by photographic and survey records.

(iii) Measures for the restoration and enhancement of the high-shore shell/sand banks within the high tide bird roosting area adjacent to the marina site as generally identified and explained in evidence and plans presented by Mark Poynter and Grant Pearce at the Environment Court hearing and following consultation with Auckland Council avian ecology staff, and

(iv) Methods for the removal of temporary structures, used to assist with construction access in and along the CMA and also to provide access across the low-tide channel from the Brick Bay stream catchment to the marina site, and how those areas above the CMA shall be restored to their pre-construction condition. The pre-existing situation shall be documented by photographic and survey records.

(v) A record of the consultation with, and any written comments received from the Community Liaison Group.

- (b) Restoration and enhancement of the surface(s) within or adjoining public land, including reserves and legal roads shall be completed as soon as possible on completion of the works affecting the said surface(s). Until such restoration and enhancement is completed the requirements of the verified Construction Management Plan (Condition 15) and Health and Safety Plan (Condition 16) shall be complied with in all respects.
- (c) The Consent Holder shall enter into a bond or other arrangement with the Council to cover the full cost of reinstating the affected reserve areas identified in the Restoration & Enhancement Plan to at least their condition before any construction works were undertaken as documented in the pre-existing photographic and survey records.
- (d) During the first two years of operation of the marina, observations will be made two hours either side of high tide to identify the way bird species and their numbers are using the bird roost, the high shore nearby, the new beach above MHWS, the grassed reserve and car park areas. The counts will be made at least once every fortnight, and must cover a range of high tidal states from spring to neap phases over the period 1 February to 30 April by an observer approved by the OSNZ. A report on the results will be provided to the Council manager and the Community Liaison Group by 1 June in each year.

#### 18. (Completion of Works)

On completion of earthworks, an Earthworks Completion Report and a modified Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and

supervised the works, shall be provided to the Resource Consents & Compliance Manager.

19. (As Built Record Plans)

On completion of works, As Built record plans to requirements of the Council's "Standards for Engineering Design and Construction" shall be submitted to the Resource Consents & Compliance Manager, along with the Earthworks Completion Report.

Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Council prior to the commencement of any works on the site.

Note: Structures such as retaining walls, private drainage, and wharves or bridges will require a separate Building Consent.

20. (Marina Site Landscaping, Boardwalk, Footpath, Decked Area & Other Facilities)

- (a) The Consent Holder shall, within 1 month of Council approval of the survey plan for the reclamations and prior to any works commencing on the site, submit to the Council for approval by the Resource Consents & Compliance Manager, detailed design, implementation and maintenance plans of the proposed boardwalks, footpaths, landscaping and associated facilities, including decked area, seating and dinghy lockers. The plans shall be based on the attached draft Boardwalk, Footpath and Esplanade Area Plan and draft Landscape Concept Plan. The detailed plans shall be prepared by persons with professional qualifications and appropriate experience in landscape design and maintenance, and boardwalk/footpath/deck design and maintenance. The plans shall be accompanied by a record of consultation with, and any comments received from, the Community Liaison Group.
- (b) The landscape plan shall seek to retain significant existing native vegetation and integrate the proposed landscaping with that already on the site and adjacent Council reserve and provide a reasonable degree of screening of the site from the road, without adversely affecting driver sightlines around the site access, and also screen as much as possible the site from the adjacent grassed reserve area. The landscape plan shall also make whatever provision is possible for specimen pohutukwawa to be established in tree pits amongst the main car parking areas to help 'break up' these areas. It shall contain details of the native plant species and sizes at the time of planting and maturity. Elevations of the landscaping at time of planting and expected height at maturity shall be provided. The landscape plan shall include an implementation programme and an ongoing maintenance programme for all landscaping on the site for a minimum period of three years from the initial planting.
- (c) The boardwalk, footpath, deck and seating facilities to be provided shall generally be in accordance with those shown on the attached draft Boardwalk, Footpath & Esplanade Area Plan, draft Boardwalk Cross Section Plan and draft Wharf Landscape Plan Plan. The boardwalks and footpaths shall be at least 1.5m wide. The landscaping adjacent to the boardwalk and footpaths shall be at least 1.5m wide.

The planter boxes on the deck area shall be of the dimensions shown on the attached draft Deck Area Plan.

- (d) The landscaping, boardwalk, footpath and associated facilities shall be constructed in accordance with the approved landscaping plan, prior to use of the marina and/or new reclamation areas and maintained for the duration of consent thereafter by the Consent Holder.

## 21. (Community Liaison Group)

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 Resource Consents & Compliance Manager and representatives of the local community, including but not limited to, landowners and occupiers adjacent to the marina, the Sandspit Residents & Ratepayers Association Inc, Sandspit SOS Inc and tangata whenua. The consent authority representatives shall have observer status only and shall not be allowed to vote on issues affecting the community.

- (a) The CLG should comprise no fewer than five and no more than nine representatives from those identified above, of whom ideally two should be adjacent property owners who have a clear association with the marina site, one should be nominated by the Sandspit Residents & Ratepayers Association, one by Sandspit SOS Inc (or its successors) and one nominated by tangata whenua, plus two representatives of the consent holder, ideally one of whom should be the construction manager or project engineer and once construction is completed and the marina is operational, ideally the marina manager.
- (b) The composition of the CLG shall be subject to the written approval of the Resource Consents & Compliance Manager. A minimum of three CLG participants, including one member each of the consent holder, SR&RA and SSOSI, will constitute a quorum. If a quorum is not established, the meeting will be rescheduled and held within 10 days with the required quorum.
- (c) The role of the CLG is to provide a forum:
  - i. To facilitate communication and dialogue between the consent holder, the adjacent landowners and occupiers, the wider community and the consent authorities during the entire construction period for the land based facilities of the marina.
  - ii. To facilitate communication during the first 6 months of the land based marina operations including any concerns and complaints of landowners and occupiers, the results of monitoring, aspects of any consent condition non-compliance and means of alleviating them, including any proposals to vary consent conditions.
  - iii. To have input to and provide comments to the consent holder on land based marina construction and operational plans and reports that require Council approval, including landscape plans and noise monitoring reports.

- (d) The consent holder shall ensure that formal meetings of the CLG are held at regular 3 monthly intervals from a period of at least six months prior to construction of the land based marina facilities commencing and at 3 monthly intervals during the operating life of the land based marina facilities. The consent holder is, with the agreement of the community representatives on the CLG, able to disestablish the CLG at any time from the date of the marina land based facilities being in full operational use. The consent holder shall notify the Council of any CLG disestablishment.
- (e) The consent holder shall be responsible for circulating to the CLG an agenda listing matters for discussion and relevant written information regarding the matters on the agenda at least 5 working days prior to each meeting. The minutes of the CLG and details of action points to be followed up shall be forwarded to the CLG within 5 working days of each meeting being held.
- (f) The consent holder shall ensure that the CLG is formally advised of any supplementary resource consents being sought for the marina, before they are lodged with the Council.

22. (Operational Noise Emissions from the Marina )

- (a) Noise emissions from the land based marina facilities, including the car park area, shall comply with all the relevant standards in Rules 16.9.2.1.1, 16.9.2.1.2, 16.2.1.4, 16.9.2.1.5, of the Operative Rodney District Plan 2011.
- (b) The Consent Holder shall submit to the Resource Consents and Compliance Manager for approval a noise monitoring programme which identifies the monitoring to be undertaken during the first 6 months of the land based marina facilities being in operation in accordance with NZS 6803:1999, and shall include a public holiday weekend and Easter or Christmas/New Year period. The noise monitoring shall include, but not be limited to, at least two residential properties in the immediate vicinity of the marina with a clear view of the site and at least one property in the Rainbows End area with a clear view of the site and whose owners do not have a financial interest in the marina, and the area zoned Open Space immediately adjacent to the Sandspit Yacht Club lease area. The noise monitoring programme submitted to the Council for approval shall include a record of consultation with, and any written comments received from, the CLG.
- (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 Resource Consents & Compliance Manager and the CLG on the dates identified in the approved programme.

24. (Permanent Parking Implementation)

Prior to commencing construction the consent holder shall provide in writing, evidence to the satisfaction of the Resource Consents & Compliance Manager, that the Sandspit Yacht Club will agree in perpetuity to implement the permanent parking arrangements shown on the attached Parking Plan, subject to the conditions of this consent.

25. (Financial Security)

The consent holder shall confirm in writing (to the Council) that adequate funding is available to complete all works the subject of this consent prior to the commencement of construction works on the site.

26. (Bond)

Prior to the commencement of any work on the site the consent holder shall provide a bond in favour of the Council to the value of 1.5 times the estimated value of the works) with the Council as security for the performance of condition(s) 5, 6, 7, 20 (relating to site access, parking, stormwater, landscaping and boardwalk/ footpath facilities) and 27 inclusive. The consent holder shall contact the Council's Resource Consents & Compliance Manager to initiate preparation of the bond and shall provide to the Manager a report on the estimated cost of the works to be bonded.

a) The bond document shall be prepared by the Council. The consent holder shall pay to the Council any costs incurred by the Council in relation to the preparation, execution, variation or release of the bond.

b) The consent holder shall either lodge the bonded sum with the Council as a cash deposit or execute a guaranteed bond agreement with a registered trading bank as the surety.

c) If during implementation of the consent the car parking area or landscaping to which the bond relates is damaged in any way (or planting dies), the Council may direct a third party to repair any damage and/or undertake replacement planting. The costs of that work shall be a debt immediately due and payable by the consent holder to the Council upon demand and may be deducted from the bonded sum.

d) The bond for the landscaping and maintenance shall be held for a minimum period of 36 months from the date of planting. The bond shall be released when, in the opinion of the Resource Consents & Compliance Manager the landscaping is well established and condition, 20 has been satisfied, and the consent holder has paid the Council's costs in relation to the bond. The bond for the other works shall be released when in the opinion of the Resource Consents & Compliance Manager the relevant conditions have been satisfied and the consent holder has paid the Council costs in relation to the bond.

27. (Prevention of Damage to Sandspit Rd)

The Consent Holder shall not damage Sandspit Rd or adversely affect any roadside drainage or services during construction, beyond those activities specifically authorised by resource consent or otherwise agreed in writing with the Council. Should damage occur, the Consent holder shall promptly advise this to the Resource Consents and Compliance Manager and shall pay to the Council the full cost of repairing any damage or shall reinstate the road to its condition prior to commencement of construction.

28. (Implementation)

This consent shall be fully implemented prior to the occupation of the proposed marina subject to ARC Consent 34730 & 36427.

29. (Marina Management Plan – Land Based Facilities)

At least 3 months prior to the opening of the marina, the Consent Holder shall submit a Marina Management Plan – Land Based Facilities to the Resource Consents & Compliance Manager for approval. The plan shall cover matters related to the day to day operation of the land based aspects of the marina that are not addressed in the marina rules and shall include the following:

- (a) A prohibition on discharges of waste from land into the CMA including: fuel, sewage and litter;
- (b) Fuel and Oil Spill Contingency Plan including containment measures;
- (c) A Fire Contingency plan;
- (d) The provision for fuelling of vessels and location of rubbish and recycling facilities and the frequency of servicing;
- (e) The provision for, location of storage and loading facilities and any associated equipment;
- (f) The provision for public access to the existing boat ramp and the marina (during daylight hours).

The plan submitted to the Council shall for approval include a record of consultation with, and any written comments received from, the CLG.

The Council approved Marina Management Plan shall be implemented at all times by the consent holder.

30. (Marina Rules – Land Based Facilities)

- (a) The Consent Holder shall, at least 3 months prior to the opening of the marina, lodge a set of marina rules – land based facilities with the Resource Consent and Compliance Manager for approval. The rules shall be based on the Kerikeri Cruising Club marina rules and cover amongst other items, occupational health and safety restrictions, noise nuisance, parking management, pest control, pollution control, refuelling practices, sewage pumpout and refuse of the land based aspects of the marina.
- (b) The Consent Holder shall ensure that the rules are on display at all times in clear public view within the marina parking area and the Resource Consents & Compliance Manager is advised of any changes to the rules. Any amendments to the marina rules must be approved by the Resource Consents & Compliance Manager in writing prior to any amendment being implemented and include a record of consultation with, and any written comments received from, the CLG.

31. (Consistency of Marina Management Plan & Marina Rules)

The land based marina management plan and land based marina rules required by conditions 29 and 30 shall as far as practicable be consistent with the corresponding plan and rules required by ARC consent 34730.

32. (Fuel Supply)

There shall be no refuelling of any boat within the marina other than from the supply service at the site designated from time to time.

33. (Berth Licensing.)

The licensing of berths in the marina shall be restricted to fully paid up members of the Sandspit Yacht Club and any successors.

34. (Boat Storage & Maintenance)

Boat storage and maintenance activities are to be confined to the boat hardstand and boat washdown areas shown on the attached Parking Plan.

35. (Monitoring of Use of Parking Areas)

The consent holder shall monitor use of permanent and temporary parking spaces during the first Christmas to Easter period after at least 95% of the marina berths are occupied. The monitoring shall consist of counts of all vehicles parked on the site, both in the permanent and temporary parking areas. The counts shall be carried out at 60 minute intervals between the hours of 9am and 4pm on Boxing Day, New Years Eve, January 2nd; Auckland Anniversary day, Waitangi day, Easter Saturday and Easter Monday. The counts shall also record if authorised vehicles sought to park on site but were turned away due to the car park being full and if so the numbers of vehicles turned away and the time of the day.

If two of the six day counts over the first Christmas to Easter period record that on-site parking demands exceed the supply then the monitoring shall continue for each peak holiday period identified in the Parking Management Plan (ref Condition 14) for the ensuing calendar year. If five of the day counts during this longer monitoring period record on-site parking demands that exceed the supply then a report shall be provided to the Resource Consents & Compliance Manager recommending measures to either increase parking capacity (for instance by allowing site stack parking in some permanent spaces on specified days, or requiring more temporary parking on the boat hardstand/washdown area) or reduce demand (for instance by prohibiting events and/or restricting access to marina berths at specified peak period times). The Manager shall determine what measures the consent holder shall put in place prior to the next peak holiday period identified in the Parking Management Plan and the monitoring shall be repeated in the next Christmas to Easter period. This process shall be repeated each year until the parking demand is never recorded to exceed the supply.

For the purposes of this condition, the parking counts and supply shall be the overall total including car and boat trailer combinations.

The results of all monitoring shall be reported to the Council within 1 month of the last monitoring day. A copy of the monitoring report shall also be made available to the Community Liaison Group (Ref Condition 21) at the same time.

### 36 (Replenished Beach & High Tide Bird Roost)

The parts of the replenished beach on the northern side of the rock groyne and high tide roost above mean high water springs on the southern side of the rock groyne shall be constructed and maintained in accordance with the Council approved Restoration and Enhancement Plan (Ref. Condition 17). This plan shall include among other things the following:

- (a) The construction methodology of the entire northern beach (which is to maximise the dry beach above mean high water springs) and southern beach high tide roost and ongoing management (including weed and possible mangrove management) ;
- (b) A construction monitoring programme to monitor the locations 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 and the triggers for further beach replenishment/maintenance works such that the high tide roost remains within its design footprint to ensure tidal flow/exchange via the existing channel.
- (d) A post construction monitoring programme for the artificial beach 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 roost site should the monitoring results indicate the need to replenish the beach or high tide roost.
- (f) Recommendations on signage and other measures to control animal, people and vehicle movements in the vicinity of the bird roosting area,

Note: In respect of (e) above any ongoing maintenance and replenishment works will require landowner (Council and or Crown) approval and may require further resource consents.

Note: in respect of (f) above the consent holder is not required to implement any recommended signage or other control measures on Council or Crown land.

### 37 (Public Access)

- (a) The consent holder shall, at least 3 months before opening of the marina, submit to the Resource Consents & Compliance Manager for approval a plan showing an esplanade area (reserve or strip) or access strip around the seaward edge of the outer (Crown managed) reclamation. The esplanade area or strip is to be effectively connected to the two esplanade reserves as conditions of the coastal permit consent for the two proposed reclamations. The area or strip shall be of sufficient width to accommodate the boardwalk, footpath and seaward edge landscaping shown on the attached draft Boardwalk, Footpath and Esplanade Area Plan. The plan shall be accompanied by a report on the outcome of consultation with the landowner (Crown through the Department of Conservation).
- (b) The consent holder shall undertake the necessary survey and plan registration procedures to ensure the esplanade area is created before opening of the marina.



(c) There shall be unrestricted public access to the landward end of the rock groyne breakwater.

(d) The consent holder shall through signage make it clear that members of the public are welcome to visit all the piers but for occupational health and safety and security reasons the gates are generally locked. As such the public should be advised of the procedures for obtaining access to the piers, including the location of the marina office, how to contact the marina manager if the office is unattended, and how to contact the marina manager or any security guards employed by the consent holder if any emergency access is required.

38. (Boat Ramp Markings & Signage)

(a) The consent holder shall before the opening of the marina mark out with paint 1.5m wide pedestrian footpaths across the 'heads' of the two existing boat ramps as generally shown on the attached draft Boardwalk & Footpath and Esplanade Area Plan. The painted areas shall be maintained by the consent holder in a condition that are clearly visible to pedestrians and motorists using the site.

(b) The consent holder shall before the opening of the marina erect signage adjacent to the two boat ramp advising people of potential conflicts between car/trailer and pedestrian movements and need for care.

39. (Vibration During Construction)

All construction activities on the site shall be carried out to ensure the vibration limits for Residential and Open Space zoned land in Table 16.9.2.2.5 (i) of the Rodney Section of the District Plan 2011 are met.

40. (Footpath on Rock Groyne Breakwater)

A footpath at least 1m wide should be provided on the breakwater rock groyne as generally shown on the Breakwater Plan Northern Beach Site Plan (Tonkin & Taylor, Figure 202, dated November 2012, Revision 1). A smooth footpath, at least 1m wide (to provide wheeled access).

41. (Fund for Improvements to Land Adjacent to Bird Roost)

Prior to opening of the marina the consent holder shall pay to the Council \$10,000 as a fund for improvements on Council land adjacent to the bird roost. The Restoration and Enhancement Plan submitted to the Council under Conditions 17 and 36 shall contain a list of potential land based improvement works. Any money that is still in the Council fund after two years of the opening of the marina shall be returned to the consent holder.

42. (SYC Implementation of Consent Conditions)

The Sandspit Yacht Club or its successors agree to be bound by the conditions of consent, which are under the control of the Sandspit Yacht Club Inc. The Sandspit Yacht Club Inc, or its successors, will provide, in writing, confirmation that they are bound by the conditions of this

consent, and any terms of the lease of the site. This consent shall endure only for such time as the Yacht Club is bound by the conditions thereof.

43 (Site Leases)

The Sandspit Yacht Club, and the Sandspit Yacht Club Marina Society Inc, shall obtain, from the landowners, any necessary leases for occupation of the parcels of land comprising this site subject to this resource consent. Upon receiving such leases copies thereof shall be forwarded to the Council's Resource Consents & Compliance Manager.

---

**Advice Note:**

- This consent does not permit any signage associated with the marina. Please note that any future signage may require resource consent.