

Decision on an application for resource consent under the Resource Management Act 1991



Severe Weather Emergency Recovery (Auckland Flood Resilience Works) Order 2024

Controlled activity

Application number:	BUN60440027 (Council reference) LUC60440080 (s9 land use consent) LUS60440081 (s13 works consent) CST60440028 (s12 coastal permit) DIS60440029 (s15 Discharge consent) WAT60440082 (s14 water consent)
Applicant:	Auckland Council – Healthy Waters
Site address:	57R and 81R Blake Road, 81R Archboyd Avenue and CMA of Harania Creek
Legal description:	Lot 166 DP 47191, Lot 390 and Lot 166 DP 47191, Lot 5 DP 148631 and Lot 106 DP 206463
NZTM map reference:	1761953.37 5908645.85
Site area:	N/A

Proposal:

Resource consent application lodged under the Severe Weather Emergency Recover (Auckland Flood Resilience works) Order 2024 (**AC-OIC**) for flood resilience works within the Harania Creek catchment. The proposed works involve the demolition and removal of the existing embankments and portion of the Eastern Inceptor wastewater pipe, installation of a new wastewater pipe and two chambers, a new pipe and pedestrian bridge with piles and piers within the Coastal Marine Area (**CMA**), temporary damming and diversion of water, vegetation clearance within riparian and coastal margins, removal of trees within open space, associated staging platforms, earthworks, revegetation and associated temporary works.

Resource consent is required for the following reason:

Severe Weather Emergency Recovery (Auckland Flood Resilience Works) Order 2023 (AC-OIC)

- Flood resilience works carried out or on behalf of Auckland Council are a **controlled activity** under section 8(2) of the AC-OIC.

Decision

A. Preamble

I have read the application, supporting documents, and the recommendation on the application for resource consent. I am satisfied that I have sufficient information to consider the matters required by The Severe Weather Emergency Recovery Legislation Act 2023 (**Recovery Act**) and the Resource Management Act 1991 (**RMA**) and make a decision under delegated authority on the application.

In particular, I have reviewed the application documentation prepared by Auckland Council – Healthy Waters (**Applicant**) as well as the comments received under clause 14 of the AC-OiC, the Council expert review memoranda (including the recommendation report prepared by Ila Daniels, Consultant Planner, dated 13 December 2024). I have also reviewed the Applicant's Comments on the Council's Expert Recommended Conditions dated 6 December 2024.

My consideration of this application has been undertaken at the same time as my consideration of a separate application by Auckland Council – Healthy Waters under the AC-OiC at Te Ararata – Walmsley Road Bridge (Council reference BUN60440066).

B. Matters in contention

1. Introduction

The report by Ms Daniels describes those additional or amended conditions that are recommended to be imposed, and where those additions or amendments are at variance to the Applicant's position set out in its document of 6 December 2024. In order to ensure that the areas of contention in this regard were clearly described and understood, a meeting with the Applicant and Council representatives was held on 17 December 2024 (also held in relation to the separate application at Te Ararata). This meeting was assisted by a further document prepared by the Applicant dated 16 December 2024 which identified the conditions that were in contention along with the Applicant's requested amendments to them and articulated the reasons for those changes (**Applicant Comments**).¹ Subsequent to receipt of that, the Council provided an updated report on this application (16 December 2024) and an updated recommended decision that addressed the following conditions:

- Condition 9 (Communication Plan), with parts 4 and 5 edited / deleted to remove duplication;
- Condition 14.2(d) (ESCP), edited to remove a typographic error which referred to 5% AEP rain events;
- Condition 18 (Slope instability – Building condition survey), noting that the Council agree with the Applicant's amendment; and
- Conditions 19 and 20 (Wetland and rivers), edited to reflect the AC-OiC wording.

The Council noted that conditions in respect of the certification of management plans needed to be resolved, along with the Pavement Condition Assessment (at condition 26). I address these matters below.

¹ Document titled "*Harania – applicant comments on consent authority recommended conditions – 16/12/2024*"

I note that the meeting enabled some of the remaining condition differences to be resolved, and the agreed wording is reflected in the conditions attached to this decision and reflect my findings set out at sections 2 and 3 below.

2. Management plan certification

The Applicant Comments addressed an overall concern as to the process for the certification of the various management plans that are required as part of implementation of the works.² It states:

- *Management plans are to be prepared by Suitably Qualified and Experienced Persons/ Professional, therefore they should not require any certification.*
- *[A] Certification process (coupled with set requirements for feedback from stakeholder advisory group) puts programme implementation at risk. There needs to be certainty on timing and commitment from Compliance teams that resources will be in place to facilitate the process.*
- *The current process requires that all changes to management plans (irrespective of if its scale, nature and the outcome sought by the change) needs to go through the certification and consultation process. The nature of the project (i.e., high-pressure programme, with details evolving) requires a degree of flexibility in the conditions and the ability to take an adaptive management. Following the same certification process for all changes is considered onerous, could restrict implementation of the best practicable outcome (especially at pace and in response to live concerns), could lead to further delays and added resource both on the Applicant and consent authority).*
- *Added process could jeopardise the efficient implementation of the project and funding available.*

Notwithstanding the Applicant's general opposition to the inclusion of references 'for certification', and replacement with 'for information', it helpfully provided a set of general conditions related to the administration of management plan -related conditions. This included a 'deemed certification' provision (i.e., where management plans are deemed to be certified where the Council has not responded to the provision of the management plan within a defined timeframe).

The Council advised that a process would be established through the implementation and monitoring stages to ensure that the relevant staff, including those already familiar with the application materials and draft management plans, would be engaged to provide timely feedback on the final versions of the management plans. The Council expressed a concern with the use of a 'deemed certification' provision, and that such a process had not been expressly provided for through the AC-OiC.

The Applicant's representatives noted that the draft management plans prepared during the application process had been developed to a high level and could be considered to be near final, further reducing the requirement for a certification process. It emphasised the tight timeframes available to implement the works (to commence in March 2025), as well as the stakeholder consultation procedures that would still need to be met during the pre-construction phase.

The situation appears somewhat analogous with the Environment Court's approach in its 2018 'first instance' decision in *Panuku v Auckland Council*,³ which was also a process that followed

² These were stated to relate to conditions [10.2], 11.3(b), 11.4, 11.7, 12.1(i), 14.8(b), (c)(i), 25.1, 26.1, 27.1 and 27.4, which refer to the CEMP (and amendments thereto), Earthworks and ESCP, CTMP, PCA and Landscape Plan.

³ *Panuku Development Auckland Ltd v Auckland Council*, [2018] NZEnvC 179

an expedited timeframe. It required certification of various management plans, and that the final versions of those plans would be in general accordance with the draft versions provided within the application stage. In my finding, and based on the assurances provided to me by the Council to apply a focused range of specialists to its certifying and monitoring functions, and because the management plans are understood to be well-developed already, that the provisions related to certification of those plans will not result in undue delays or costs.

One exception to that is in relation to the Landscape Plan requirements at condition 27, where some additional work to address the requirements of the condition would appear to be necessary (including the additional planting to be determined in conjunction with the Council's Parks department). However, a certification process in this regard remains appropriate given the timeframe in which that plan is required to be provided for certification, being "*prior to the completion of the works*" (condition 27(1)).

I am also persuaded that a 'deemed certification' provision is appropriate in this case, as an acknowledgement of the timeframe constraints that were highlighted by the Applicant. While I understand this is opposed by the Council, I consider that it provides recognition of the particularly enabling approach of the AC-OiC and the unusual timeframes that the Applicant is working to. That said, and based on my understanding of the Council's focused intent regarding its certifying and monitoring approach, it is not anticipated that reliance on the deemed certification provisions will be necessary. In addition, I do not consider that allowing for this 'deemed certification' approach would have any precedent value beyond the particular characteristics and subject matter of these applications, and the terms on which they have been prepared.

3. Pavement Condition Assessment

The concern in respect of the Pavement Condition Assessment (**PCA**) requirement under condition 26(1) was the need for this to be undertaken with an Auckland Transport (**AT**) engineer, noting potential issues with timing and availability. It states that "*[t]he assessment needs to be undertaken prior to construction work, however, if an engineer is not readily available there is a risk of further delays to the programme*". The Applicant went on to say (in the Te Ararata response) that because the PCA is required to be undertaken by a suitably qualified and experienced person in transport engineering, this will be to a satisfactory standard.

It was noted that the PCA condition requires any identified damage to be repaired in accordance with a methodology and timeframe to be agreed with AT, and to that extent their involvement in the initial PCA report may be useful. However, the Applicant described the PCA report process, which involves photographs of existing damage within the specified roadways, and that input from an AT engineer through this documentation stage would not be of any particular utility.

It is my finding that the amended wording proposed by the Applicant is acceptable, and that the undertaking of the PCA report by a suitably qualified person, in conjunction with the certification requirement for the condition, will ensure that it is undertaken to a satisfactory standard.

4. General note

Based on my review of the aforementioned materials, and because the changes to the conditions described above do not alter the overall findings to be made on the application, I adopt the conclusions reached by Ms Daniels and accept her recommended decision in terms of sections

104 and 104A of the RMA. Those recommendations therefore form the basis of my substantive decision as set out below.

C. Decision

Acting under delegated authority, and for the reasons set out below, this application shall be processed **non-notified**.

Acting under delegated authority, under sections 104, 104A and Part 2 of the RMA the resource consent is **GRANTED subject** to conditions of consent.

Reasons

The reasons for this decision are:

1. The proposed works / project falls within the scope of the Severe Weather Emergency Recover (Auckland Flood Resilience Works) Order 2024 on the basis of being undertaken in accordance with the plans and all information submitted with the application.
2. Clause 13 of the AC-OiC replaces section 95 of the RMA and precludes public and limited notification.
3. Consultation has been undertaken in accordance with clause 14 of the AC-OiC, and a summary of the comments received under clause 14 and the consent authority's response to these comments is attached at **Attachment 2**.
4. The application is for controlled activity resource consent, and as such under section 104A RMA and in accordance with clause 16 of the AC-OiC, only those matters over which the Council has reserved its control have been considered, including with regards to imposition of conditions.
5. As a controlled activity and in accordance with section 104A of the RMA, resource consent must be granted.
6. In accordance with an assessment under sections 104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable because:
 - a. All relevant information and requirements are considered to be met under the AC-OiC.
 - b. While it is acknowledged that the proposal will have some adverse effects on the environment, the project is for critical works to remove flood risk and improve flood resilience within the Harania Creek catchment. Any short-term effects associated with the proposed construction activity are considered to be reasonable and justified in this context.
 - c. The potential flooding effects on downstream properties in particular those at Mary and Parkstone Places have been appropriately modelled and assessed. These assessments have confirmed that whilst there will be increases in flood levels from the improved conveyance within the Harania Catchment that ultimately the effects of coastal inundation as a result of sea level rise will be the determinate factor in flooding on these properties. No mitigation measures are therefore considered necessary.
 - d. Traffic effects from construction are anticipated to be acceptable, subject to the suite of conditions regarding preparation of a Construction Traffic Management Plan (CTMP),

Construction Environmental Management Plan, the communication plan and the Pavement Condition Assessment. The separate Corridor Access Request and resolution processes and the stakeholder advisory group will ensure Auckland Transport's oversight of the final agreed CTMP.

- e. The applicant has consulted with Māori entities prior to lodgement and has received Cultural Value Assessments from Te Ākitai Waiohū and Te Ahiwaru. The application proposes conditions of consent which establish a clear process for involvement of Māori entities and enable effective management of impacts on cultural values. Additionally, the application was sent to relevant Māori entities and no comments were received.
- f. Ecological effects can be appropriately managed and where necessary mitigated by adhering to the guiding ecological principles and associated methodologies proposed within the draft Ecological Management Plan.
- g. Landscape, visual, natural character and open space effects will be appropriately mitigated in the long term through the provision of a planting plan and the new pedestrian bridge will improve connectivity and access between the existing Lenore and Blake Road reserves.
- h. The effects on coastal processes, water quality and ecology from the new structures occupying the CMA alongside the mangrove removals to allow the works to occur are acceptable given the scour protection measures and inland nature of the works within Harania Creek. The mangroves will regenerate over time and appropriate construction methods, and monitoring measures have been conditioned to ensure that any effects are either avoided or mitigated.
- i. The effects of natural hazards during construction will be appropriately mitigated by the proposed construction methodology and associated management plans.
- j. While noise and vibration will exceed the permitted limits of the AUP(OP), the effects are typical of a project of this nature and will be managed in accordance with the best practicable option, ensuring that adverse effects will be minimised as far as is practicable.
- k. Arboricultural effects will be managed through adherence to the proposed tree protection methodology and replacement planting.
- l. Conditions of consent will ensure potential risks associated with land instability during construction are managed appropriately.
- m. The proposed erosion and sediment control measures, with the inclusion of chemical treatment, are appropriate for the nature and type of works proposed and will ensure effects are appropriately managed.
- n. In terms of heritage values, the effects will be acceptable as there are no known archaeological sites in proximity, as confirmed by the Applicant's Archaeological Assessment, and accidental discovery protocols will be adhered to.
- o. No known activities on the Hazardous Activities and Industries List have occurred on the site and there is no known contamination within the works area. The suite of conditions will provide a balanced approach to managing this given the low risk.

- p. Evidence of consent from the respective utility / infrastructure owners within the works area has been provided from Watercare as part of the application in order to satisfy clause 11(q)(iii) of the AC-OiC. Furthermore, existing requirements as they relate to the necessary construction-related 'works over' approvals will ensure that existing infrastructure is protected.
7. The relevant statutory documents above were prepared having regard to Part 2 of the RMA and thus there is no need to go beyond these provisions and look to Part 2 in making this decision, as an assessment against Part 2 would not add anything to the evaluative exercise.
 8. Overall, the proposal is considered to have actual and potential effects on the environment that will be acceptable. The proposal is consistent with the purpose of the RMA, as well as the Severe Weather Emergency Recovery Legislation Act 2023.
 9. In accordance with clause 19 of the AC-OiC, this consent expires not more than five years after the date of commencement of the recovery works.

Conditions

Under clause 16 of the AC-OiC, this consent is subject to the following conditions:

Consent	Applicable Conditions
CST60440028	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, 27, 28, 29, 30, 34, 36, 37, 38
DIS60440029	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 36, 37
LUC60440080	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37
LUS60440081	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 19, 20, 21, 27, 28, 29, 34, 36, 37
WAT60440082	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 36, 37

1. Compliance with specified documents accompanying consent application

1. The Consent Holder must carry out all activities included in the flood resilience works for which consent has been granted in accordance with applicable requirements in the following documents that were provided in the application for consent:
 - (a) *Harania Flood Resilience Works – Tennessee Bridge Assessment of Effects on the Environment, Beca Limited, 8 November 2024*
 - (b) *Harania Flood Resilience Works - Tennessee Bridge Ecological Impact Assessment, Tonkin + Taylor, November 2024*
 - (c) *Harania Flood Resilience Works - Tennessee Bridge Coastal and fluvial geomorphic effects assessment, Tonkin + Taylor, October 2024*

- (d) *Arboricultural Assessment of Effects and Tree Protection Plan, The Tree Consultancy Company, 31 October 2024*
- (e) *Harania Flood Resilience Works - Tennessee Bridge Landscape and Natural Character Effects Assessment, Boffa Miskell, 31 October 2024*
- (f) *Harania Flood Resilience Works - Tennessee Bridge, Integrated Transport Assessment, Tonkin + Taylor, October 2024*
- (g) *Harania Flood Resilience Works - Tennessee Bridge, Preliminary Site Investigation, Tonkin + Taylor, October 2024*
- (h) *Harania Flood Resilience Works - Tennessee Bridge, Geotechnical resource consent assessment report, Tonkin + Taylor, October 2024*
- (i) *Blake Road Reserve, Harania Catchment, Māngere, Auckland – Making Space for Water, Proposed Flood Resilience Works: Preliminary Archaeological Assessment, Origin Archaeology, June 2024*
- (j) *Harania – Tennessee Bridge Draft Construction Environmental Management Plan (CEMP), Fulton Hogan, October 2024*
- (k) *Harania Flood Resilience Works - Tennessee Bridge Draft Ecological Management Plan, Tonkin + Taylor, October 2024*
- (l) *Harania Flood Resilience Works - Tennessee Bridge Erosion Sediment Control Plan, Tonkin + Taylor, October 2024*
- (m) *Harania Flood Resilience Works - Tennessee Bridge, Flood hazard and risk assessment, Tonkin + Taylor, October 2024*
- (n) *Harania Flood Resilience Works - Tennessee Bridge, Construction noise and vibration technical assessment, Tonkin + Taylor, October 2024*
- (o) *Harania Flood Resilience Works - Tennessee Bridge, Construction Noise and Vibration Management Plan, Tonkin + Taylor, October 2024*
- (p) *Harania Flood Resilience Works - Tennessee Bridge, Draft Construction Traffic Management Plan, Tonkin + Taylor, October 2024*
- (q) *Harania (Tennessee Bridge) flood hazard and risk assessment additional information request, Tonkin + Taylor, 19/11/2024.*

2. However, if there is a conflict between a condition imposed on the resource consent and a requirement in any document referred to in condition 1(1), the imposed condition prevails.

2. Duration of Resource Consent and Lapse Date

1. The period for which this resource consent has been granted is five years after the approval of the consent, on 19 December 2029.
2. This resource consent lapses two years after the approval of the consent, on 19 December 2026.

3. Definitions

1. The following definitions apply to the conditions below:

AC-OiC means the Severe Weather Emergency Recover (Auckland Flood Resilience Works) Order 2024

AEP means Annual Exceedance Probability which is the chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage

AUP(OP) means the Auckland Unitary Plan (Operative in Part)

CEMP means the construction environmental management plan required by condition 10

Climate Change Scenarios Guideline Document means the Climate Change Scenarios: Guideline Document GD15, published by the Auckland Council in March 2024

Contaminated land means land to which the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply (see regulation 5(1) of those regulations)

Contaminated Land Management Guidelines means the Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand (Revised 2021), published by the Ministry for the Environment in June 2021

cultural indicator means an indicator of an identified cultural association in guidance referred to in condition 5

cultural monitors means the cultural monitors appointed by relevant Māori entities under clause 4(3) of this schedule

earthworks principles means the principles set out in condition 12(1)

ecology principles means the principles set out in condition 29(2)

Erosion and Sediment Control Guide means the Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region:

(a) published by the Auckland Council in June 2016; and

(b) incorporating the amendments made in October 2018

Erosion and Sediment Control Manager means the person appointed under condition 13(1)

ESCP means an erosion and sediment control plan prepared under condition 14

Manager Environmental Monitoring means the person employed by the Auckland Council as the manager responsible for monitoring the conditions of resource consents (or their nominated representative)

Māori entity representative means a person appointed as a representative under clause 4 of this schedule

natural hazard area means any land that is any one or more of the following:

(a) a coastal erosion hazard area as defined in Chapter J of the AUP(OP);

- (b) in the coastal storm inundation 1% annual exceedance probability (**AEP**) area as defined in Chapter J of the AUP(OP);
- (c) in the coastal storm inundation 1% AEP plus 1 m sea level rise area as defined in Chapter J of the AUP(OP);
- (d) in an area that would be inundated in a storm event of a scale that has a 1% or greater probability of occurring in one year;
- (e) an overland flow path as defined in Chapter J of the AUP(OP); and
- (f) land which may be subject to land instability as defined in Chapter J of the AUP(OP)

NZS 6803:1999 means New Zealand Standard 6803:1999: Acoustics—Construction noise, published by Standards New Zealand on 8 February 2000

Project Arborist means a suitably qualified and experienced arborist appointed by the Consent Holder

Project Ecologist means a suitably qualified and experienced ecologist appointed by the Consent Holder

Project Engagement Lead means the person appointed under condition 8(1)

RMA means the Resource Management Act 1991

works location, in relation to a resource consent for flood resilience works, means the location specified in clause 6(3) of the AC-OiC to which the resource consent relates.

3A. Management Plans

1. Any management plan shall:
 - (a) be prepared and implemented in accordance with the relevant management plan condition;
 - (b) be prepared by a suitably qualified and experienced person(s), having regard to the subject matter of the management plan; and
 - (c) include sufficient detail relating to the management of effects associated with the relevant activities and/or stage of work to which it relates.
2. Any management plan may:
 - (a) be submitted in parts or in stages to address particular activities (e.g., design or construction aspects), a stage of work, or to address specific activities authorised by resource consents; and
 - (b) except for material changes, be amended to reflect any changes in design, construction methods or management of effects without further process.
3. Where specified in any condition of this consent, management plans shall be submitted to the Manager Environmental Monitoring for certification in accordance with the relevant management plan condition. If no response is received by the Manager Environmental Monitoring within twenty (20) working days of lodgement of any management plan, the

relevant management plan shall be deemed to be certified.

4. If the Auckland Council's response is that they are not able to certify the management plan, the Consent Holder shall consider any reasons or recommendations provided by Auckland Council and resubmit an amended Management Plan for certification.
5. If the Consent Holder has not received a response from the Manager Environmental Monitoring within ten (10) working days of the date of resubmission under condition 3A(4) above, the management plan will be deemed to be certified.

Advice note:

Certification of the Management Plans by the Manager Environmental Monitoring relates only to those aspects of the management plan that are relevant under the RMA. The certification does not amount to an approval or acceptance of suitability by the Manager Environmental Monitoring of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

6. Any material amendments to any of the management plans certified by the Manager Environmental Monitoring must be submitted for re-certification at least ten (10) working days before the relevant works (or relevant portion of works) are undertaken, and subject to the certification of the amendment prior to works being undertaken. Any such amendment shall be consistent with the objectives and performance requirements of the management plan and relevant consent conditions.
7. Certification of amendments to management plans shall be in accordance with conditions 3A(3) to (5).

4. Māori entity representatives

1. The Consent Holder must invite each relevant Māori entity to appoint a representative to perform, with the representatives appointed by all other relevant Māori entities, the Māori entity representative's role and responsibilities set out in these conditions in relation to the flood resilience works for which the consent has been granted.
2. The Consent Holder must issue the invitations at least 20 days before the flood resilience works begin.
3. The relevant Māori entities may appoint a team of cultural monitors to:
 - (a) support the Māori entity representatives; and
 - (b) provide the Consent Holder with on-site guidance to enable effective management of impacts on cultural values.
4. The Consent Holder must develop terms of reference for the role and responsibilities of the Māori entity representatives, including in relation to the following matters:
 - (a) the scope of the representatives' role and responsibilities;
 - (b) time frames for decisions, advice, and actions;

- (c) support for the representatives; and
 - (d) remuneration for the representatives.
5. In developing the terms of reference, the Consent Holder must:
- (a) convene discussions with all relevant Māori entities; and
 - (b) use its best endeavours to achieve consensus on all matters.
6. If consensus on all matters is not achieved, the remaining matters must be determined:
- (a) by a majority vote; or
 - (b) if votes are tied, by the casting vote of the Consent Holder.

5. Guidance on cultural indicators

1. The guidance provided under condition 4(3)(b) of the AC-OiC may focus on indicators covering all identified traditional associations:
- (a) including mahinga kai, cultural stream health, wāhi tapu, wāhi tūpuna, protocols, and heritage; and
 - (b) derived from identified cultural values and any cultural assessment conducted by the cultural monitors.
2. The Consent Holder must, in preparing all plans required by these conditions:
- (a) take all applicable cultural indicators into account; and
 - (b) report to the Māori entity representatives how those indicators have been taken into account.

6. Stakeholder advisory group

1. The representatives appointed under conditions 6(2) and 6(4) and the Māori entity representatives form the stakeholder advisory group (**SAG**).
2. The Consent Holder must invite the following persons to appoint representatives to be members of the SAG:
- (a) the owners and occupiers of land on which the flood resilience works are carried out and all adjoining land;
 - (b) all persons who made comments under clause 14 of the AC-OiC;
 - (c) all network utility operators with network infrastructure or other facilities on the land on which the flood resilience works are carried out or any adjoining land;
 - (d) the Manager Environmental Monitoring;
 - (e) Heritage New Zealand Pouhere Taonga;
 - (f) the Department of Conservation; and
 - (g) the Māori entity representatives.

3. The Consent Holder must issue the invitations at least 20 days before the flood resilience works begin.
4. After the flood resilience works begin, the Consent Holder may invite further persons or bodies to appoint representatives to the SAG.
5. Each representative appointed must be authorised by the person or body appointing them to make decisions on behalf of the person or body in the consultations taking place in relation to the flood resilience works.
6. The Consent Holder must develop terms of reference for the role of the SAG, including in relation to the following:
 - (a) frequency of meetings; and
 - (b) processes and methods for the performance of the group's role.
7. In developing the terms of reference, the Consent Holder must:
 - (a) convene discussions with all members of the SAG; and
 - (b) use its best endeavours to achieve consensus on all matters at the group's first meeting.
8. If consensus on all matters is not achieved at the first meeting, the remaining matters must be determined:
 - (a) by a majority vote; or
 - (b) if votes are tied, by the casting vote of the Consent Holder.

Note regarding Condition 6(2)(d) - (f):

While being part of the SAG, the Council's Manager Environmental Monitoring has advised that as regulatory bodies, these parties may not wish to vote on matters as they would be implementing regulations/monitoring of conditions.

7. Operation of stakeholder advisory group

1. The role of the SAG is to inform and advise the Consent Holder about managing and monitoring the flood resilience works.
2. The Consent Holder must:
 - (a) record all information and advice provided by the SAG; and
 - (b) report to the group how the information and advice have been taken into account in the carrying out of the flood resilience works.

8. Project Engagement Lead

1. The Consent Holder must appoint a person as Project Engagement Lead to act as the Consent Holder's main point of contact with:
 - (a) the Māori entity representatives; and
 - (b) the SAG.

2. The Consent Holder must ensure that the Project Engagement Lead is reasonably available to perform their role under this condition.
3. The Consent Holder must also ensure that the contact details of the Project Engagement Lead are posted on an internet site maintained by or on behalf of the Consent Holder.

9. Communication plan

1. The Consent Holder must develop and implement a communications plan for the duration of construction works.
2. The Communications Plan must contain detailed processes for communications, throughout the construction works, with the following:
 - (a) the general public;
 - (b) local residents and businesses;
 - (c) the Māori entity representatives;
 - (d) the persons and bodies represented by the SAG;
 - (e) Sutton Park School; and
 - (f) all other persons potentially affected by the construction works.
3. The Communications Plan must include the following:
 - (a) a description of the flood resilience works or details of, or a link to, an internet site maintained by or on behalf of the Consent Holder that describes the flood resilience works;
 - (b) the contact details of the Project Engagement Lead;
 - (c) a list of all persons and bodies who will be communicated with under the Communications Plan;
 - (d) how any comments or concerns about the construction works should be communicated by those persons and bodies;
 - (e) details of proposed communication activities by the Project Engagement Lead, including notifications and other communications with any persons and bodies referred to in condition 9(3)(c); and
 - (f) information about when the communications plan will be reviewed (and amended, if necessary).
4. The Consent Holder must provide to the Manager Environmental Monitoring:
 - (a) the initial Communications Plan at least 20 working days before construction works begin; and
 - (b) any amended Communications Plan, as soon as practicable after the amendment.

10. Construction Environmental Management Plan

1. The Consent Holder must engage a suitably qualified and experienced person to prepare a Construction Environmental Management Plan (**CEMP**) for the flood resilience works.
2. The purpose of the CEMP is to set out the practices and procedures to be adopted to ensure compliance with the conditions of the consent and to outline all measures to avoid, remedy, or mitigate potential adverse effects associated with the proposed flood resilience works.
3. The level of detail and the measures proposed in the CEMP must correspond with the nature and scale of the flood resilience works.
4. Any management plan may be submitted in parts or in stages to address particular activities (e.g., design or construction aspects), a stage of work, or to address specific activities authorised by resource consents.
5. The CEMP must include the following information:
 - (a) the roles and responsibilities of construction management staff, including the Erosion and Sediment Control Manager;
 - (b) a description of the training and education programme for workers that will be implemented to ensure compliance with the conditions imposed on the resource consent;
 - (c) procedures for:
 - (i) obtaining guidance on cultural indicators provided by cultural monitors; and
 - (ii) reporting to the Māori entity representatives under condition 5(2)(b),
 - (d) indicative timing of all stages of the flood resilience works;
 - (e) procedures for managing public health and safety;
 - (f) proposed measures to, as far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites;
 - (g) contact details of at least two (2) persons or bodies who respond to emergencies and who:
 - (i) are contactable 24 hours a day, 7 days a week, throughout the flood resilience works; and
 - (ii) have authority to authorise immediate response actions,
 - (h) a detailed process for detecting, investigating, and recording incidents;
 - (i) details (including timing) of arrangements for reporting to the Manager Environmental Monitoring on the outcomes of, and compliance with, the CEMP;
 - (j) protocols to ensure compliance with condition 35 (Discovery of Sensitive Material);
 - (k) any certified ESCP (see condition 14(8)(b));

- (l) any tree protection methodology (see condition 32);
- (m) how potential adverse effects of flood resilience works in or adjacent to a river, a wetland, or the CMA will be managed;
- (n) how potential adverse effects of flood resilience works in natural hazard areas will be managed;
- (o) the final construction noise and vibration management plan prepared under condition 24;
- (p) the final construction traffic management plan prepared under condition 25;
- (q) the final ecology management plan-prepared under condition 30;
- (r) methodology and timing for undertaking soil testing during works and the contaminated land management procedures to be following during works;
- (s) Measures for managing earthworks so that they comply with condition 12(1)(b);
- (t) methods for responding to queries and complaints; and
- (u) procedures for amending the CEMP under condition 11.

11. Developing and amending the CEMP

1. At least 10 working days before submitting a proposed CEMP, or any proposed amendment to a CEMP under condition 11(5), to the Manager Environmental Monitoring, the Consent Holder must:
 - (a) invite the stakeholder advisory group to comment on the proposed CEMP or the proposed amendment; and
 - (b) advise the stakeholder advisory group that any comments received within 10 working days after the date of the invitation will be taken into account by the Consent Holder.
2. The Consent Holder must take into account any comments on the proposed CEMP or the proposed amendment received from the stakeholder advisory group, unless the comments were not received within 10 working days after the date on which the Consent Holder invited the SAG to comment.
3. The Consent Holder must not begin the flood resilience works before:
 - (a) the Consent Holder has submitted the proposed CEMP for the flood resilience works to the Manager Environmental Monitoring; and
 - (b) the Manager Environmental Monitoring has certified that the proposed CEMP:
 - (i) meets its purpose (see condition 10(2)); and
 - (ii) contains all the required information (see condition 10(5)).
4. The Consent Holder must act in accordance with a certified CEMP for the duration of the flood resilience works.

5. The Consent Holder must amend the CEMP if amendment is necessary to reflect any changes in design, construction methods, maintenance and operations methods, or procedures for managing potential adverse effects throughout the construction phase of the flood resilience works.
6. Within 10 working days after amending the CEMP, the Consent Holder must submit a copy of the amended CEMP (indicating the amendments) to the Manager Environmental Monitoring.
7. An amended CEMP is not a certified CEMP until the Manager Environmental Monitoring has certified that the amended CEMP:
 - (a) meets its purpose; and
 - (b) contains all the required information.

12. Earthworks principles

1. The Consent Holder must carry out all works in a manner that:
 - (a) is consistent with the fundamental principles of erosion and sediment control set out in Section A2.0 of the Erosion and Sediment Control Guide;
 - (b) does not lead to any uncontrolled instability or collapse affecting the work site or neighbouring properties and in the event that such collapse or instability does occur, it must be rectified as soon as practicable;
 - (c) minimises the volume, area, and duration of the proposed earthworks required through methodologies, including the design of batter slopes, appropriate to expected soil types and geology;
 - (d) maximises the effectiveness of erosion and sediment control measures associated with earthworks;
 - (e) avoids if practicable, or minimises so far as practicable, adverse effects on freshwater and marine water environments within or beyond the boundary of the work site, with particular regard to reducing opportunities for the earthworks to generate sediment;
 - (f) minimises the generation and discharge of sediment beyond the boundary of the work site;
 - (g) avoids adverse effects on values associated with any AUP(OP) overlay;
 - (h) avoids adverse effects on cultural values; and
 - (i) progressively stabilises earthworks areas in accordance with a certified ESCP.
2. The Consent Holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.

13. Erosion and Sediment Control Manager and staff

1. The Consent Holder must appoint a suitably qualified and experienced person as the Erosion and Sediment Control Manager for the duration of the flood resilience works.
2. The role of the Erosion and Sediment Control Manager is to:
 - (a) ensure compliance with the CEMP and ESCP; and
 - (b) liaise with the Manager Environmental Monitoring in respect of the implementation of the ESCP, including in respect of any incident relating to erosion and sediment control.
3. An Erosion and Sediment Control Manager appointed under this clause may perform the same role in relation to any flood resilience works at the other location specified in clause 6(3) of the AC-OiC if the relevant Consent Holder considers it appropriate.
4. The Consent Holder must also appoint suitably qualified and experienced staff to assist in erosion and sediment control, including:
 - (a) managing the operation, maintenance, and monitoring of erosion and sediment control devices; and
 - (b) supervising the installation and decommissioning of those devices and associated equipment and arrangements.

14. Erosion and sediment control plan

1. The Consent Holder must engage a suitably qualified and experienced person to prepare one or more ESCPs for the earthworks to identify how the earthworks principles will be applied.
2. An ESCP must specify the following matters:

General

- (a) how the earthworks will be carried out in accordance with the ecology principles;
- (b) structural and non-structural erosion and sediment control measures (including preparation and implementation of a chemical treatment management plan) to be in place before and during all construction works, including earthworks, coastal works and works within watercourses;
- (c) key environmental risks, particularly in relation to topography, soil type and form, and the receiving environment, including proximity to any sensitive receivers (for example, rivers);
- (d) how flows will be conveyed and or risk managed during larger storm events (5% AEP rain events and up to a 1% AEP rain event);
- (e) procedures for ensuring advance warning of a rainfall event;
- (f) procedures for stabilising and securing the site in the event of an expected rainfall

event;

- (g) procedures for decommissioning the erosion and sediment control measures;
- (h) procedures for determining the staging and sequencing of earthworks;
- (i) methods adopted for the purpose of reducing erosion and sediment generation and loss;
- (j) procedures for progressively stabilising;
 - (i) any areas where earthworks will occur; and
 - (ii) any bed or banks of a river, a wetland, or the coastal marine area (**CMA**) that will be disturbed by the earthworks,
- (k) methods for stabilising the following after the completion of the works, to reduce sediment loss and erosion:
 - (i) any excavated area; and
 - (ii) any bed or banks of a river, a wetland, or the CMA that has been disturbed by the earthworks,
- (l) details of maintenance, including actions and frequency;
- (m) supporting information about the size of erosion and sediment control devices;
- (n) methods for amending and updating the ESCP as required;

Erosion and Sediment Control Manager and staff

- (o) the name and contact details of the Erosion and Sediment Control Manager;
- (p) the names and contact details of other staff appointed to assist with the management of erosion and sediment control (see condition 13(4));

Incident management

- (q) the process for detecting, investigating, and recording, and for notifying the Manager Environmental Monitoring of, incidents that result in the discharge of contaminants or material into any river or wetland, or the CMA, due to the structural failure of any erosion and sediment control measures;
- (r) proposed measures for remedying the adverse effects of a discharge described in condition 14(2)(o);

Monitoring

- (s) procedures for:
 - (i) analysis of trends in erosion and sediment control effectiveness and performance; and
 - (ii) amendments to any ESCP resulting from the activities under sub-paragraph (i),

Reporting to the consent authority

- (t) details (including timing) of reporting to the Manager Environmental Monitoring on the outcomes of, and compliance with, the ESCP.
- 3. The level of detail and the measures proposed in the ESCP must correspond to the nature and scale of the relevant earthworks.
- 4. The ESCP must include a site-specific risk-based approach that allows for the Erosion and Sediment Control Manager to determine the level of information and design that must be provided for specific activities.
- 5. The ESCP must be consistent with the Erosion and Sediment Control Guide.
- 6. The Consent Holder must implement an ESCP for the duration of the flood resilience works.
- 7. The Consent Holder must, for the duration of the flood resilience works:
 - (a) keep an ESCP; and
 - (b) make it readily available to the Manager Environmental Monitoring.
- 8. The Consent Holder must not begin earthworks before:
 - (a) the Consent Holder has submitted an ESCP for the earthworks to the Manager Environmental Monitoring;
 - (b) the Manager Environmental Monitoring has certified that the ESCP meets the requirements of conditions 14(2) to 14(5); and
 - (c) a suitably qualified and experienced person has certified that erosion and sediment control measures for the earthworks are:
 - (i) in place; and
 - (ii) consistent with the certified ESCP and the Erosion and Sediment Control Guide.

15. Failure of erosion and sediment control measure

- 1. If the failure of an erosion and sediment control measure during flood resilience works results in an uncontrolled release of sediment to surface water of the CMA, the Consent Holder must:
 - (a) immediately stop the flood resilience works;
 - (b) so far as practicable, remedy the adverse effects of the uncontrolled release;
 - (c) so far as it is not practicable to remedy the adverse effects of the uncontrolled release, ensure that those adverse effects are mitigated so far as practicable; and
 - (d) before restarting the flood resilience works, carry out works to prevent any recurrence of the failure.

16. Dust management

1. The Consent Holder must, so far as practicable, ensure that dust arising from construction works (including earthworks and related activities) does not spread beyond the boundary of the work sites.

17. Works on contaminated land

1. This condition only applies if the Consent Holder undertakes earthworks, or any other works that disturb soil, on contaminated land.
2. The Consent Holder must ensure that any soil and other materials that are removed from the site and identified as being contaminated are taken to a facility legally authorised to receive soil and materials of that kind.
3. The Consent Holder must take all practicable measures to:
 - (a) prevent the discharge of soil and stormwater from contaminated land to any one or more of the following:
 - (i) rivers;
 - (ii) wetlands; and
 - (iii) the CMA.
 - (b) maintain the integrity of any structure designed to contain contaminated soil or other contaminated materials; and
 - (c) replace the soil to an erosion-resistant state at the completion of the earthworks or other works.
4. The Consent Holder must, within three (3) months of the completion of the earthworks or other works, provide a report (the works completion report) to the Manager Environmental Monitoring that contains the following:
 - (a) a summary of the works undertaken, including the locations and dimensions of excavations and the volume of soil excavated;
 - (b) a description of the condition of the site following the completion of the works, including details and results of any testing undertaken to confirm whether any contaminated soil or other contaminated material remains at the site;
 - (c) details and results of any other contamination testing undertaken during the works (including any sampling undertaken on materials reused on site or imported to the site);
 - (d) records or evidence, or both, of the volumes and disposal locations for any material containing elevated levels of contaminants removed from the site;
 - (e) if any unexpected contamination was encountered during the works, records of the unexpected contamination encountered and the actions taken in response;

- (f) details of any ongoing monitoring or management measures, or both, required to minimise risks to human health or the environment as a result of any contaminated soil or other contaminated material that remains at the site;
 - (g) details of any complaints, health and safety incidents related to contamination, or contingency events during the works;
 - (h) a statement:
 - (i) certifying that all works have been carried out in accordance with the requirements of the consent; or
 - (ii) providing details of relevant approved variations or breaches.
5. The works completion report must be prepared:
- (a) by a suitably qualified and experienced person; and
 - (b) in accordance with the Contaminated Land Management Guidelines.

18. Slope instability

Building Condition Survey

1. Prior to the commencement of any chamber excavation works the Consent Holder must confirm whether there are any buildings or structures within a 1:1 set back (setback distance to depth) of the excavation. If any structure or building is confirmed to be within this set back, a topographic condition survey must be undertaken confirming existing ground levels and a pre-construction condition survey of the building and/or structure must be completed by a suitably qualified and experienced professional and submitted to the Manager Environmental Monitoring.
2. Within four weeks of completion of the chamber excavation works, a post-construction condition survey of any building and /or structure identified under condition 18(1) and a topographical survey must be completed by a suitably qualified engineering professional and submitted to the Manager Environmental Monitoring.
3. Conditions 18(1) and 18(2) do not apply where written evidence is provided to the Manager Environmental Monitoring that the owner of a property has confirmed they do not require a condition survey.
4. In the event the survey identifies damage verified to be caused by the chamber excavation works, this damage must be remedied by the Consent Holder.

Supervision and certification

5. The earthworks to construct the fill batters around the chambers must be supervised by a suitably qualified geo-professional. In supervising the works, the suitably qualified geo-professional must ensure that they are constructed and otherwise completed in accordance with Geotechnical Report prepared by Tonkin & Taylor referenced no. 1017033.2002 v1 dated October 2024.
6. Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to the Manager Environmental Monitoring, confirming that the

chamber fill batter and works have been completed in accordance with above condition, within twenty (20) working days following completion.

7. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the Manager Environmental Monitoring.

19. Works and structures in beds of rivers and wetlands

1. This condition and condition 20 apply to all flood resilience works carried out in, or adjacent to, the bed of a river or wetland.
2. The Consent Holder must ensure that flood resilience works are, so far as practicable, carried out in accordance with:
 - (a) an applicable ESCP;
 - (b) the ecology principles;
 - (c) the earthworks principles; and
 - (d) any guidance provided under condition 4(3)(b) (see also condition 5) relating to relevant cultural indicators.
3. Flood resilience works that might affect fish passage in a river or wetland must, so far as practicable, be carried out outside peak times for migration and spawning of species of fish identified in the application as being present in the river or wetland.
4. Permanent works in or adjacent to the bed of a river or wetland that are completed as a part of the construction phase of the flood resilience works (for example, sediment and debris removal, bank protection, and capacity increase) must:
 - (a) be designed and installed in a way that is, so far as practicable, consistent with the ecology principles;
 - (b) be designed with regard to any identified landscape and cultural values;
 - (c) provide for ongoing fish passage in the river or wetland;
 - (d) manage stream loss in accordance with the effects management hierarchy; and
 - (e) provide for the maintenance of the river or wetland for flood management purposes.
5. The design of a permanent culvert or component of a bridge in the bed of a river or wetland must:
 - (a) allow for the relevant design flood flow event;
 - (b) be designed to withstand a 1% AEP flood event, unless it is demonstrated in the application for the consent that there will be an overall improvement in flood levels; and
 - (c) address the risks of non-performance (including blockage), taking into account the risk of the flow of soil or debris.
6. A permanent culvert or component of a bridge in the bed of a river or wetland must be finished:

- (a) In a recessive colour; or
 - (b) as otherwise agreed between the Consent Holder and the owner of the permanent culvert or component of the bridge.
7. All flood resilience works and structures in, or adjacent to, rivers or wetlands must, so far as practicable, incorporate energy dissipation measures and erosion and sediment control measures (for example, revegetation of worked sites) to minimise bed scouring and bank erosion in receiving environments.
8. Within 20 working days following completion of any permanent structure in the bed of a river or wetland, the Consent Holder must provide to the Manager Environmental Monitoring:
- (a) final as-built drawings of the permanent structure; and
 - (b) a certificate obtained from a suitably qualified and experienced engineers stating that the permanent structure is capable of withstanding a 1% AEP flood event.
9. In this condition (and condition 21), AEP means the annual exceedance probability, which is the chance of a flood of a given size (or larger) occurring in any one year, usually expressed as a percentage.

20. Further requirements at rivers and wetlands

1. This condition applies if condition 19 applies.
2. Despite condition 19(4)(c), fish passage need not be provided and maintained on all permanent culverts if the Project Ecologist decided, after considering all relevant matters within their expertise, that it is unnecessary.
3. Instead, the Consent Holder must provide the Manager Environmental Management with appropriate data and reasons (supported by relevant design drawings) for not complying with condition 19(4)(c).
4. For the purposes of condition 19, the Consent Holder must, at least 10 working days before starting permanent works within a river or wetland, provide to the Manager Environmental Monitoring:
 - (a) design drawings for the culverts (including fish passage), bridges and permanent stream diversions; and
 - (b) a statement of how the design of those permanent culverts, bridges and permanent stream diversions complies with condition 19.
5. The Consent Holder must not start permanent works within a river or wetland before the Manager Environmental Monitoring has certified:
 - (a) that, based on the design drawings and the statement provided under condition 20(4), the design of permanent culverts, bridges and permanent stream diversions comply with condition 19; and
 - (b) that:

- (i) the data and reasons provided under condition 20(3) justify non-compliance with condition 19(4)(c); or
 - (ii) based on the design drawings and the statement provided under condition 20(4) the design of permanent culverts, bridges, and permanent stream diversions others complies with condition 19.
- 6. All permanent works in the bed of a river or wetland must be carried out in accordance with the design drawings to which certification by the Manager Environmental Monitoring under condition 20(5) relates.
- 7. The Consent Holder must ensure that any machinery or equipment used in the activities authorised by the consent is not stored in or on the bed or banks of the river or wetland.
- 8. The Consent Holder must ensure all of the following:
 - (a) no machinery leaking fuel, lubricants, hydraulic fluids, or solvents is operated within or near a river or wetland in circumstances where run-off might enter water;
 - (b) no vehicles, machinery, or equipment is refuelled within the bed of a river or wetland or in any other location where spills might enter water;
 - (c) the storage of fuel or contaminants adjacent to a river or wetland does not result in any fuel or contaminants entering water;
 - (d) other fuels and lubricants are not released into water;
 - (e) the Ministry for Primary Industries' requirements and clean dry protocols relating to freshwater pests are followed in relation to all equipment;
 - (f) machinery is operated in a way that minimises the transfer of organisms or pest plants from one catchment to another; and
 - (g) the use of wet concrete is avoided in flowing water.
- 9. The Consent Holder, on becoming aware that any contaminant has been discharged into a river or wetland in a way that contravenes the conditions of the resource consent, must immediately:
 - (a) take all necessary steps to stop or contain the discharge;
 - (b) notify the Manager Environmental Monitoring; and
 - (c) take all practicable steps to remedy or mitigate any ongoing adverse effects of the discharge on the environment.
- 10. The Consent Holder must take the actions set out in condition 20(9) in relation to construction material, demolition material, and any materials from repair and maintenance activities that are:
 - (a) authorised by the consent; and
 - (b) no longer required as part of the construction works.
- 11. The Consent Holder must ensure that the materials are:

- (a) removed on completion of the construction works; and
- (b) reused, repurposed, or disposed of in an appropriate manner and in a place where they will not affect any one or more of the following:
 - (i) surface water levels:
 - (ii) rivers:
 - (iii) wetlands:
 - (iv) the CMA.

12. The Consent Holder must comply with all notices and guidelines issued by Biosecurity New Zealand that relate to the ongoing prevention of the spread of freshwater pests.

21. Bed and bank erosion risk

1. Following completion of the flood resilience works and after the first flood event of at least a 2% AEP scale the Consent Holder must:
 - (a) engage a suitably qualified and experienced person; and
 - (b) undertake an assessment at Pacific Steel Reserve (Pt Lot 2 DP 178554) in order to determine whether there has been, or there is an ongoing risk of adverse bed and bank erosion that could be attributed to the flood resilience works, and if so, to identify any appropriate mitigation.
2. Within 60 working days of the flood event being classified as being a 2% AEP flood event, the Consent Holder must submit a report prepared by a suitably qualified and experienced person to the Manager Environmental Monitoring for information which includes:
 - (a) the findings of the assessment set out in condition 21(1);
 - (b) any recommended mitigation, if the assessment indicates whether there has been, or there is an ongoing risk of adverse bed and bank erosion; and
 - (c) timeframes for the Consent Holder to implement any recommended mitigation in condition 21(b).

Advice Note:

If mitigation works are required by condition 21(2) these may require separate resource consent if the consent has expired.

22. Coastal structures and works

1. This condition and condition 23 of this schedule apply to all flood resilience works carried out in, or on land adjacent to, the CMA.
2. All flood resilience works in the CMA and on land adjacent to the CMA must be carried out in accordance with an ESCP prepared in accordance with condition 14 of this schedule.

3. Permanent structures (for example, seawalls, rock revetments, or groynes) in the CMA and on land adjacent to the CMA must:
 - (a) be designed:
 - (i) with regard to any guidance provided in accordance with condition 4(3)(b), the ecology principles, and any identified cultural values; and
 - (ii) to cater for coastal processes; and
 - (b) incorporate measures to address the effects of climate change and sea level rise; and
 - (c) be finished:
 - (i) in a recessive colour; or
 - (ii) as otherwise agreed between the Consent Holder and the owner of the permanent structure.
4. The Consent Holder must maintain any construction site in good order and remedy, so far as practicable, any damage to and disturbance of the foreshore or seabed caused by plant and equipment during construction.
5. Within 20 working days following completion of any permanent structure in the CMA or on land adjacent to the CMA, the Consent Holder must provide to the Manager Environmental Monitoring:
 - (a) final as-built drawings of the permanent structure; and
 - (b) a certificate obtained from a suitably qualified and experienced engineer stating that the permanent structure meets the requirements of condition 22(3).
6. The structures permitted to occupy part of the CMA by the consent must be maintained in good and sound condition, and any repairs and reinstatement that are necessary must be made as soon as practicable after the issue is identified.
7. In this clause, land adjacent to the CMA means the area of land subject to storm surge and wave run-up, including climate change effects for the relevant design life for structures on the area of land, having regard to the Climate Change Scenarios Guideline Document.
8. The Consent Holder must dispose of all waste material, including dredge spoil and mangroves, in an appropriately licensed facility, unless otherwise authorised by the Manager Environmental Monitoring.

23. Further Requirements in the CMA

1. All vehicles and equipment entering the CMA associated with the exercise of the consent must be in a good state of repair and free of any fuel or oil leaks.
2. No machinery may be left within the intertidal zone during high-tide periods in a position where it could come into contact with coastal water.

3. The Consent Holder must ensure that an oil spill response kit is held on site, by the person who is to carry out the work, during the period of construction, repair, or maintenance works.
4. Fuelling and maintenance of plant and equipment used during any construction, repair, or maintenance works must not be carried out in the CMA or in any other location near the site where fuel or oil could enter the CMA.
5. The Consent Holder must, on becoming aware that any contaminant associated with the Consent Holder's operations has escaped otherwise than in accordance with the consent:
 - (a) immediately take any action or carry out any work that may be necessary to stop or contain the escape; and
 - (b) immediately notify:
 - (i) the Manager Environmental Monitoring; and
 - (ii) the Department of Conservation, if there is an imminent risk from the escape of contaminant of adverse effects on any at-risk or threatened species, or on any marine mammals,
 - (c) take all reasonable steps, having regard to the purpose of the RMA (see section 5 of that Act), to remedy or mitigate any adverse effects on the environment resulting from the escape.

24. Control of construction noise and vibration

1. The Consent Holder must ensure that noise from construction, maintenance, and demolition work complies, so far as practicable, with the long-term duration limits set out in Table 2 and Table 3 of NZS 6803:1999.
2. The Consent Holder must prepare and implement a final Construction Noise and Vibration Management Plan (**CNVMP**) in general accordance with the *Harania Flood Resilience Works – Tennessee Bridge Construction Noise and Vibration Management Plan*, prepared by Tonkin & Taylor Ltd, dated October 2024. The objective of the CNVMP is to manage potential adverse noise and vibration effects associated with construction of the flood resilience works.

25. Construction Traffic Management Plan

1. The Consent Holder must prepare and implement a final Construction Traffic Management Plan (**CTMP**) in general accordance with *Healthy Waters - Harania Flood Resilience Works – Tennessee Bridge Draft Construction Traffic Management Plan*, prepared by Tonkin & Taylor Ltd, dated October 2024 and have this certified as part of the CEMP under condition 10. The objective of the CTMP is to manage potential adverse traffic effects associated with construction of the flood resilience works.

Advice Note:

Prior to carrying out any work in the road corridor, the Consent Holder shall submit to Auckland Transport a Corridor Access Request (CAR) and temporary traffic management

plan (TMP), and work shall not commence until such time as the applicant has approval in the form of a Works Access Permit (WAP). The application may be made at <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests/applyfor-a-car/> and 15 working days should be allowed for approval.

26. Pavement Condition Assessment

1. Prior to the commencement of the flood resilience works authorised by this resource consent, the Consent Holder must submit a Pavement Condition Assessment (**PCA**) report including photographs to the Manager Environmental Monitoring for certification.
2. The purpose of the PCA is to document the pre-construction road pavement condition and shall be based on a visual inspection of the road pavements at the following locations:
 - (a) Vine Street (between Massey Road and Blake Road);
 - (b) Blake Road (between Vine Street and the Blake Road Reserve access road);
 - (c) Wickham Way (between Buckland Road and Garus Avenue);
 - (d) Garus Avenue (between Wickham Way and Archboyd Avenue);
 - (e) Archboyd Avenue/Bicknell Road (between Garus Avenue and the site access opposite 41 Bicknell Road); and
 - (f) Lenore Reserve vehicle crossing/access (opposite 41 Bicknell Road).
3. On completion of the flood resilience works, the Consent Holder must submit a PCA report to the Manager Environmental Monitoring for information. The purpose of the PCA is to document the post-construction road pavement condition and must be based on a visual inspection.
4. If the PCA required by condition 26(3) identifies any damage to the road pavements specified in condition 26(2) and it is verified by a suitably qualified and experienced person as being directly attributable to heavy vehicles entering or exiting the construction sites, the Consent Holder is responsible for repairing that damage. The methodology and timeframe for completing the repair works is to be agreed with Auckland Transport.
5. The PCA must be prepared by a suitably qualified and experienced person in transport engineering.

27. Landscaping plan

1. The Consent Holder must prepare a landscaping plan prior to the completion of the flood resilience works and provide this to the Manager Environmental Monitoring for certification. The objective of the landscaping plan is to avoid, remedy, or mitigate adverse effects of the flood resilience works on natural character, landscape values, visual amenity, arboricultural and ecological values.
2. The landscaping plan must be prepared in consultation with the Māori entity representatives, and be in general accordance with the *Healthy Waters – Harania Flood Resilience Work – Tennessee Bridge Planting Plan (Drawing No. BM230171D501, Rev*

C), prepared by Boffa Miskell dated October 2024 and must include the following information:

- (a) the species of replacement vegetation and trees to be planted;
- (b) the ecological district the plants are sourced from;
- (c) biosecurity requirements relating to Myrtle Rust and/ or Kauri Dieback;
- (d) the number of replacement trees to be planted;
- (e) the locations at which replacement vegetation and trees should be planted;
- (f) the location, species, number and grade of plants to provide for screen planting to aid in providing a visual barrier;
- (g) maintenance requirements in relation to the replacement planting, including weed and pest control measures, and that all planting must be maintained for five years following planting; and
- (h) Following the five-year maintenance period, the Consent Holder must provide to the Manager Environmental Monitoring written and photographic evidence of successful natural revegetation of the mangroves up and down stream. Where the natural regrowth of the 1,000m² of mangrove removal area has not started to establish over at least 50% of each area of mangroves and the upstream area and downstream areas (being 1m² void of mangrove regrowth), mangrove propagules are to be planted within areas void of natural regeneration. This planting is to be undertaken during the first planting season and monitored for at least three years.

Advice note:

Where practicable, the procurement of plants shall come from the Tamaki Ecological District and Makaurau Marae Nursery.

3. Where practicable, any Myrtaceous species (e.g., manuka, kānuka) being delivered to the site must be from a Plant Pass certified supplier with a Myrtle Rust Specific Module standard. Participating producers can be found at www.plantpass.org.nz/biosecurity/participatingproducers. A copy of the plant delivery receipt must be provided to the Manager Environmental Monitoring within five (5) days of plant delivery demonstrating that plants were sourced from a certified supplier.
4. The Consent Holder must plant vegetation and trees as detailed in the landscaping plan during the first planting season that starts after the landscaping plan has been certified; and

In this condition, planting season means the period in any year that:

- (a) starts on 1 May; and
- (b) ends on 30 September.

28. Project Ecologist

1. The Consent Holder must appoint a suitably qualified and experienced ecologist as the Project Ecologist for the duration of the flood resilience works.
2. The role of the Project Ecologist is to inform, in accordance with the ecology principles, the design, management, and monitoring of all construction works in relation to ecological effects and measures to avoid, remedy, or mitigate adverse ecological effects.

29. Ecology principles

1. The Consent Holder must apply the ecology principles set out in condition 29(2) in:
 - (a) designing all aspects of the flood resilience works; and
 - (b) carrying out all aspects of construction works.
2. The ecology principles are as follows:
 - (a) to apply the effects management hierarchy to the following potential adverse effects:
 - (i) permanent habitat loss (including in coastal, terrestrial, and freshwater habitats);
 - (ii) loss of naturally uncommon and highly depleted ecosystem types, significant indigenous vegetation, significant habitats of indigenous fauna, and habitats for at-risk or threatened species and taonga species;
 - (iii) habitat fragmentation or habitat barriers (including in coastal, terrestrial, and freshwater habitats);
 - (iv) impacts on habitat connectivity (including coastal, terrestrial, and freshwater habitats);
 - (v) impacts on at-risk or threatened species and taonga species;
 - (vi) effects on water quality (including on kaimoana and mauri) from sediment;
 - (vii) alteration of natural hydrology patterns, except as necessary to facilitate the flood resilience works;
 - (viii) spread or establishment, or both, of pest plants or animals; and
 - (ix) impacts on habitats that play an important role in the life cycle and ecology of native species,
 - (b) as far as practicable, to create safe habitats, especially for at-risk or threatened species and taonga species.

30. Managing ecological loss

1. The Consent Holder must ensure that the Project Ecologist prepares a final ecology management plan (**EMP**) in general accordance with *Harania Flood Resilience Works – Tennessee Bridge Draft Ecological Management Plan*, prepared by Tonkin & Taylor Ltd, dated October 2024. The objective of the EMP is to manage potential adverse effects on

ecological and biodiversity values of the works area associated with the flood resilience works.

2. The Consent Holder must:
 - (a) at regular intervals throughout construction, record all measures taken under the ecology management plan; and
 - (b) report to the stakeholder advisory group every two (2) months:
 - (i) the measures taken; and
 - (ii) any recommendations made by the Project Ecologist, working with the Māori entity representatives, to change those measures.
3. The Consent Holder must implement and comply with the ecology management plan prepared under condition 30(1) for the duration of the construction works.
4. Within two (2) months after the construction works and any ecological mitigation works are both completed, or by such other time agreed between the Consent Holder and the stakeholder advisory group, the Consent Holder must provide the SAG with a report that describes the ecological mitigation works carried out by the Consent Holder.

31. Project arborist

1. The Consent Holder must appoint a suitably qualified and experienced arborist as the Project Arborist for the duration of the flood resilience works.
2. The role of the Project Arborist is to inform the design, management, and monitoring of all flood resilience works in relation to arboricultural effects, and measures to avoid, remedy, or mitigate adverse arboricultural effects.

32. Tree protection methodology

1. The Project Arborist, in association with the wider project team, must develop a tree protection methodology to minimise adverse effects on protected trees to be retained within the works location.
2. The Consent Holder must implement and comply with the tree protection methodology.

33. Supervision of construction works near protected trees

1. The Project Arborist must supervise any construction works carried out in close proximity to protected trees.

34. Discovery of at-risk or threatened aquatic fauna

1. If a worker or any other person associated with flood resilience works discovers, at a work site, nationally or regionally at-risk or threatened aquatic fauna that require specialised handling and relocation (the discovered aquatic fauna), the Consent Holder must:
 - (a) immediately notify the Project Ecologist of the discovery;
 - (b) as soon as it is safe to do so, stop any construction works that may adversely affect the discovered aquatic fauna and that may be safely stopped;

- (c) comply with any directions given by the Project Ecologist in respect of the discovered aquatic fauna;
 - (d) implement the native fish capture relocation plan; and
 - (e) if the relevant construction works are stopped, relocate the discovered aquatic fauna to a suitable habitat identified in the native fish capture relocation plan before restarting the works.
2. In this clause, native fish capture relocation plan means the plan for relocating native fish captured during proposed construction works that is included in the *Harania Flood Resilience Works – Tennessee Bridge Draft Ecological Management Plan*, prepared by Tonkin & Taylor Ltd, dated October 2024, and required to be included in the final ecology management plan under condition 28(2).

35. Discovery of sensitive material

1. If a worker or any other person associated with flood resilience works discovers any sensitive material on a work site, the Consent Holder must comply with the requirements of E12.6.1(3)(a) to (f) in Chapter E of the AUP(OP).
2. In this condition, sensitive material means any of the following:
- (a) human remains;
 - (b) an archaeological site;
 - (c) a Māori cultural artefact;
 - (d) a protected New Zealand object as defined in section 2(1) of the Protected Objects Act 1975;
 - (e) evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material, or a significant odour); and
 - (f) a lava cave greater than 1 metre in diameter on any axis.

36. Monitoring charges

1. The Consent Holder must pay to the consent authority:
- (a) any charges fixed under section 36(1)(c) of the RMA for the carrying out by the consent authority of its functions in relation to the monitoring of the consent; and
 - (b) any additional charge required by the consent authority under section 36(5) of the RMA to recover the actual and reasonable costs incurred by the authority in carrying out those functions.

37. Review charges

1. If the consent authority reviews the conditions imposed under clause 16 of the AC-OiC, the Consent Holder must pay to the consent authority:

- (a) any charges fixed under section 36(1)(cb) of the RMA for the carrying out by the consent authority of any one or more of its functions in relation to reviewing the conditions of the consent; and
- (b) any additional charge required by the consent authority under section 36(5) of the RMA to recover the actual and reasonable costs incurred by the authority in carrying out those functions.

Additional Specific Condition that applies to CST60440028

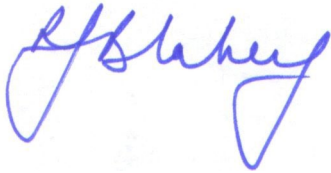
38. Occupation

1. The occupation of the common marine and coastal area by the authorised structures is not an exclusive right of occupancy. The general public or any person(s) must not be excluded from the area(s) or any part of the area(s) to which this consent applies, unless necessary for the primary purpose of the structure(s), and only to the extent necessary to enable the primary purpose of the structure(s).

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in section 2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the Council” refers to the Council’s monitoring officer unless otherwise specified. Please email to identify your allocated officer.*
3. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
4. *Landowner Approval (LOA): Unless an alternative process is established, works within the existing reserves may require Landowner Approval. The Land Advisory Team should be contacted at landadvisors@aklc.govt.nz*
5. *Tree Owner Approval (TOA): Any works that could affect trees within the existing reserves will require Tree Owner Approval. It is recommended to prepare an arborist report for all affected trees and lodge a Tree Owner Approval application via treemanager@aucklandcouncil.govt.nz*
6. *The Consent Holder is advised that they must apply for and have approved a Corridor Access Request prior to undertaken any works or activity that will affect the normal operation of the road, footpath, or berm.*
7. *The Consent Holder is advised that they must apply for a temporary resolution for all relevant temporary transport controls.*

8. *In respect of any Vector assets, they require stand-over for any works done in proximity to cables that are 33kV or higher in voltage, or where it looks like the construction will affect Vector's assets (both gas and electricity) and if replaced or relocation is required they would require Healthy Waters to cover the costs associated with the effort.*



Richard Blakey

Duty Commissioner

19 December 2024

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.