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:	BUN60440066 (Council reference) LUC60440067 (s9 land use consent) LUC6044068 (s13 stream works) WAT60440069 (s14 water consent)
Applicant:	Auckland Council – Healthy Waters
Site address:	5R, 6R and 7R Walmsley Road, Mangere and Walmsley Road road reserve
Legal description:	PT Allot 31 SBRS of Mangere, PT SO 30799, Pt Allot 309 PSH of Manurewa, Lot 3 DP 35540, Lot 12 DP 45822, Pt Lot 1 DP 45822 and road reserve.
NZTM map reference:	1759518mE; 5908659mN
Site area:	N/A

Proposal:

The proposal relates to a resource consent application lodged under the Severe Weather Emergency Recovery (Auckland Flood Resilience Works) Order 2024 (**AC-OiC**) for flood resilience works within the Te Ararata catchment. The proposed works involve the demolition of the existing culverts beneath the existing Walmsley Road Bridge and the associated replacement of the Walmsley Road bridge over the Te Ararata Creek; the relocation and strengthening of the existing 810m Watercare pipe bridge foundations to achieve a wider stream clearance; the reshaping or recontouring of the existing Te Ararata Creek stream banks beneath the replacement bridge structure; and vegetation clearance, earthworks 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 as well as the comments received under clause 14 of the AC-OiC, the Council expert review memoranda (including the recommendation report prepared by Jono Payne, 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 Harania – Tennessee Bridge (Council reference BUN60440027).

B. Matters in contention

1. Introduction

The report by Mr Payne 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 Harania).

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] The meeting (and further commentary received on 18 December 2024 in respect of the Disruption Management Plan condition) enabled some of the remaining condition differences to be resolved, and the agreed wording is reflected in the conditions schedule attached to this decision, in the same order as set out in the Applicant Comments.

2. Management plan certification

It is noted that the Applicant Comments also 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.*

[1] Document titled "*Te Ararata – applicant comments on consent authority recommended conditions – 16/12/2024*"
[2] Relating to the CEMP at conditions 12(3), 12(4), 12(7); ESCP at 15(b); Permanent stream works at 19(3); DMP at 25(1) and the Landscape management plan at 28(1).

- *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 <u>all</u> 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 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 28, 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

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

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 28(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. Geotechnical

The Applicant Comments in respect of the geotechnical requirements under condition 37(1) was that this condition was not required, but if it were retained, an amendment was sought. It stated that:

> *The recommended wording appears to reflect standard resource consent conditions (following the typical implementation timeframes) rather the processes included in the rest of the Order in Council base conditions. The key concern in that the construction methodology for culvert removal must be provided in writing to the satisfaction of the Manager Environmental Monitoring prior to culvert removal commencing. It is unclear what this process would involve from a timing perspective and there is potential scope for back-and-forth until the Manager is "satisfied" which could add further delays to the programme.*

The Council considered that it was its regulatory function that it be required to be 'satisfied' as to the proposed methodology. However, it was in agreement with the deletion of the last sentence of clause (1) which would otherwise not allow any works on-site prior to written approval of the construction methodology.

I consider that the use of the phrase "to the satisfaction of" is standard practice and is appropriate in the context of the subject matter to be addressed within the construction methodology. Further, what is required by the condition appears to be a minimum requirement when considered against the range of concerns that were raised by the Council's geotechnical specialist, but which were not able to be fully addressed in the timeframes available under the AC-OiC. I acknowledge the Applicant's concern as to the potential that this creates for further delays to the programme. However, in lieu of that construction methodology having been developed, some level of regulatory approval is appropriate in my finding, rather than this simply being provided for 'information'.

As noted above, I have been advised of the Council's approach to provide for some focus in its review (and certification) functions and it is anticipated that continued engagement between the parties during the preparation of the required methodology statements will avoid unnecessary delays.

4. Disruption Minimisation Plan

The Applicant's contention in regard to the proposed Disruption Minimisation Plan (**DMP**) was that disruption minimisation would be addressed through the existing CTMP condition, and that condition 25(2)(a) was not required, but if it were retained, amendments were sought. It stated that:[4]

- *The requirement under Condition 25(2)(a) regarding sensitivity model testing at the Massey Road / SH20 intersection is not practicable, therefore an identified compliance risk. The requested sensitivity modelling requires the use of existing data. The Applicant's Transport Specialist has been engaging with the Auckland Forecast Centre (AFC) who have advised that there is no suitable model that can be used. There is also no existing turning traffic counts available at this location that can be used for SIDRA modelling. To satisfy the condition, new traffic count data would need to be obtained at this location and prior to construction which would have further timing and resource implications. The outcome sought by the sensitivity model could be achieved through the proposed ongoing monitoring during the closure period as signalled in the draft CTMP. A sensitivity model is not in our view critical in the ability to respond and manage any potential issues.*

- *The DMP condition requires that the DMP be submitted for certification by the Manager Environmental Monitoring in consultation with Auckland Transport. It is unclear what this process would involve, who would be involved from Auckland Transport and the timing associated. The imposition of the condition as worded could result in further delays, duplicate processes/efforts already needing to be undertaken with Auckland Transport and/or introduce involvement of others that have not been directly involved in the process to date. Ongoing coordination and inputs from various specialists/teams in Auckland Transport (and NZTA Waka Kotahi) is already occurring to agree mitigation, finalise the CTMP (and any subsequent versions) and to work through the necessary the Corridor Access Request (CAR) and Traffic Resolution(s) processes with Auckland Transport. We are of the view that there are existing processes / engagement requirements in place (within the conditions and parallel processes) for Auckland Transport (and NZTA Waka Kotahi) to advise on monitoring outcomes sought. It is also more relevant for this to be determined and agreed through engagement with Auckland Transport and NZTA Waka Kotahi, rather than adding a separate process in the condition set led by the consent authority compliance team.*

The Council highlighted a concern as to whether the CAR process via Auckland Transport (**AT**) would be sufficient to address the potentially significant effect arising from the proposed works, but noted that the condition does allow for the DMP to be prepared and incorporated as part of the CTMP. The Applicant considered that the matters covered by the DMP would be captured by the monitoring aspects contained within the CTMP (from which the CAR would also be generated). It was noted that condition 24 (CTMP) was much more confined than the DMP, and while this was understood to be on the basis of the advanced development of the CTMP and various DMP-related measures contained therein, the DMP condition and its associated advice

[4] It also noted the need for the correct name for the DMP; that there was an incorrect reference to the Massey Road interchange (SH20A); and that deletion of an incorrect cross-reference in Condition 9(2)(j) is required. These matters have been in the approved conditions.

notes would ensure that these requirements had a degree of visibility afforded by their being included within the overall condition framework.

It was resolved that the Applicant would undertake to prepare amended wording for the condition to more clearly address the monitoring aspects of the DMP, noting that sub-clause (2) still contained a requirement for "additional modelling" notwithstanding the Applicant's request for the deletion of sensitivity modelling in sub-clause (2)(a). An amended version of the condition was provided on 18 December 2024 and comments in that respect were invited from the Council on the same day as was a further response from the Applicant. In summary, the Applicant proposed that the condition be amended to separate the requirements for the provision of the DMP, with methods to monitor and assess impacts on various roads to be developed in consultation with AT and the New Zealand Transport Agency Waka Kotahi (**NZTA**), and maintaining the option to develop the DMP as part of the CTMP.

In terms of the further consultation of the condition that was undertaken, the Applicant advised that:

(a) Their preference remained that the DMP was provided for information only, rather than certification.

(b) That condition 2(a) and (b) be clarified through the addition of "*including the following locations*", to respond to the Council's concern that the identified locations were not necessary an exclusive list.

(c) The inclusion of "*as set out in the CTMP in condition 24 and*" was intended to link to the already required CTMP, which already sets out a process for monitoring and engagement with AT and NZTA, with the intention for this to be flexible and adaptive as the monitoring requires.

(d) In terms of whether the advice notes would remain, it was noted that bringing forward the specified locations of monitoring into the conditions and rewording to say "methods and monitoring" was a deliberate attempt to remove the advice notes which were considered to be long and cumbersome. Given the acceptance that consultation is required with both AT and NZTA to develop the monitoring and methods, it was considered that it would be unnecessary to include this level of detail in advice notes and thereby streamline the conditions. Nevertheless, confirmation was provided that the Applicant does not oppose the advice notes remaining.

The wording set out in condition 25 below therefore reflects my consideration of the comments received from the Council and the Applicant. In summary, I have retained a certification provision for the DMP condition (consistent with my reasoning above), but with an additional clause (condition 25(4)) such that a certification process will apply to the CTMP if the DMP is incorporated as part of that plan. I have also adopted or retained the Applicant's wording at (b) and (c) for the reasons noted therein. I have also retained the advice notes. While I agree that these are lengthy and could be considered to exceed the normal scope of such provisions, I consider that they will form a useful list of matters to be addressed as part of a DMP or CTMP, if not already covered within those plans and existing AT processes.

5. Preliminary Design Road Safety Audit / Safe System Audit

The Applicant's contention in respect of road safety is that it would be addressed through the CTMP and other processes. It considered that condition 26 is not required, but again, if it were retained, sought certain amendments to it. The issue sought to be addressed in those amendments was the need for road safety audits as part of temporary traffic management measures. The Council advised that it was in agreement with the proposed changes and condition 26 as included in this decision therefore reflects the amendments sought by the Applicant.

6. Pavement Condition Assessment

The concern in respect of the Pavement Condition Assessment (**PCA**) requirement under condition 27(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 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. I have therefore adopted the amended condition proposed by the Applicant.

7. 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 Mr Payne and accept his 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 and 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 Recovery (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 1**.

4. The application is for controlled activity resource consent, and as such under section 104A of the RMA and 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 section 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 of the AC-OiC are considered to have been met.

    b. While it is acknowledged that the proposal will have adverse effects on the environment and that in some cases these effects are likely to be significant, particularly as they relate to potential transport delays associated with the proposed temporary traffic diversion route, the project is for critical works to remove flood risk and improve flood resilience within the Te Ararata catchment. Any short-term effects associated with the proposed construction activity are considered to be reasonable and justified in this context.

    c. Traffic effects, particularly those associated with delays related to the closure of Walmsley Road are expected to be significant. However, conditions of consent proposed which include the provision of a communication plan, construction traffic management plan, disruption minimisation plan, pavement upgrades safety assessment, along with the separate approval processes (i.e., Corridor Access Requests) will ensure that the effects of the temporary diversion, while significant, are managed as best as is practicable.

    d. The applicant has consulted with Māori entities prior to lodgement and has received cultural value assessments from Te Ākitai Waiohua and Te Ahiwaru. Conditions of consent have been proposed 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.

    e. 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.

f. Landscape, visual, natural character and open space effects will be appropriately mitigated in the long term through the provision of a planting plan.

g. Where the AUP(OP) permits an activity, including as it relates to temporary effects on volcanic viewshafts, the actual and potential adverse effects have been disregarded.

h. The effects of natural hazards during construction will be appropriately mitigated by the proposed construction methodology-related conditions and associated management plans.

i. 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 the effects will be minimised as far as is practicable.

j. Arboricultural effects will be managed through adherence to the proposed tree protection methodology and replacement planting proposed.

k. Conditions of consent require procedures to be prepared to manage any land stability effects associated with dewatering.

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 a requirement for 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. Accidental discovery protocols will be followed in the event unexpected contamination is uncovered.

p. Evidence of consent from the respective utility / infrastructure owners within the works area has been provided from Chorus, Auckland Transport, Vector and Watercare as part of the application in order to satisfy clause 11(q)(iii) of the AC-OiC. Furthermore, existing requirements as relevant to the necessary construction-related 'works over' approvals 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

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

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) Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Assessment of Effects on the Environment, Beca Limited, 8 November 2024;

(b) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Ecological Impact Assessment, Tonkin + Taylor, October 2024;

(c) Arboricultural Assessment of Effects and Tree Protection Plan, The Tree Consultancy Company, 25 October 2024;

(d) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Landscape and Natural Character Effects Assessment, Boffa Miskell, 5 November 2024;

(e) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Integrated Transport Assessment, Tonkin + Taylor, November 2024;

(f) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Preliminary Site Investigation, Tonkin + Taylor, October 2024;

(g) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Geotechnical and Groundwater Assessment Report, Tonkin + Taylor, November 2024;

(h) Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement: Archaeological Assessment, Origin Archaeology, October 2024;

(i) Walmsley Road Bridge Replacement (DRAFT) Planting Plan, Tonkin and Taylor, 24 October 2024;

(j) Blue-Green Networks – Te Ararata Creek – Walmsley Rd Bridge, Flood Hazard and Risk Assessment, Tonkin + Taylor, November 2024;

(k) Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Construction Environmental Management Plan (CEMP) - Draft, HEB Construction, November 2024;

(l) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Draft Construction Traffic Management Plan, Tonkin + Taylor, November 2024;

(m) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Erosion and Sediment Control Plan, Tonkin + Taylor, October 2024;

(n) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Draft Ecological Management Plan, Tonkin + Taylor, October 2024;

(o) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Construction Noise and Vibration Technical Assessment, Tonkin + Taylor, October 2024;

(p) Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement, Construction Noise and Vibration Management Plan, Tonkin + Taylor, October 2024; and

(q) Te Ararata Blue Green Networks – Walmsley Bridge, BUN60440066 - Clarification, Tonkin + Taylor, 19 November 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

Duration

(1) The period for which this resource consent has been granted is five years from the date of commencement of the consent (i.e., 19 December 2029).

Lapse Date

(2) This resource consent lapses two years after the commencement of the consent (i.e., 19 December 2026).

3. Definitions

In these conditions:

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

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 condition 4(3)

earthworks principles means the principles set out in condition 13

ecology principles means the principles set out in condition 30

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 14(1)

ESCP means an erosion and sediment control plan prepared under condition 15

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 condition 4

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% annual exceedance probability (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):

(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) of this schedule

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 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 this schedule 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 this schedule 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 group; 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 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 stakeholder advisory group.

(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 stakeholder advisory group; and

(e) 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);

(f) information about when the Communications Plan will be reviewed (and amended, if necessary);

(g) Requirements to consult with Auckland Transport regularly on the construction methodology and changes of it; and

(h) Requirements to consult Auckland Transport on any potential deviation/changes of the proposed detour route(s).

(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. Staging of Management Plans

(1) 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.

11. 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) 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 28 of this schedule;

(k) any certified erosion and sediment control plan (**ESCP**) (see condition 15(8)(b) of this schedule);

(l) any tree protection methodology (see condition 34 of this schedule);

(m) how potential adverse effects of flood resilience works in or adjacent to a river 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 21;

(p) the final construction traffic management plan (**CTMP**) prepared under condition 24;

(q) The final disruption minimisation plan (**DMP**) prepared under condition 25;

(r) the final ecology management plan prepared under condition 31;

(s) The geotechnical construction methodology required under condition 37(1);

(t) The process and timing for attaining the necessary construction related / works over approvals of the relevant utility operators;

(u) methods for responding to queries and complaints;

(v) procedures for amending the CEMP under condition 12; and

(w) if the Consent Holder proposes to carry out dewatering, procedures prepared by a suitably qualified and experienced professional for managing dewatering (including

avoiding or minimising effects on adjacent buildings), groundwater takes, and diversions and discharges to land or water as required under condition 20.

12. Developing and amending CEMP

(1) At least ten (10) working days before submitting a proposed CEMP, or any proposed amendment to a CEMP under condition 12(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 stakeholder advisory group 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 11(2)); and

(ii) contains all the required information (see condition 11(4)).

(4) The Consent Holder must undertake works in accordance with the certified CEMP for the duration of the flood resilience works.

(5) The Consent Holder must amend a 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 ten (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.

13. 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 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.

The Consent Holder must, as far as practicable, ensure that earthworks are carried out in accordance with the ecology principles.

14. 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 condition 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.

15. Erosion and Sediment Control Plan

(1) The Consent Holder must engage a suitably qualified and experienced person to prepare ESCPs for each stage of 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, 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 flood risk managed during larger storm events (i.e. a 5% AEP rain event 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 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 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; and

(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 14(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 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 15(2)(q);

Monitoring

(s) procedures for:

(i) analysis of trends in erosion and sediment control effectiveness and performance and associated sampling (as required) to advise that analysis; and

(ii) amendments to any ESCP resulting from the activities under condition 15(2)(s)(i),

Reporting to 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; and

(b) the Manager Environmental Monitoring has certified that the ESCP meets the requirements of conditions 15(2) to 15(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.

16. 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, 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.

17. 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.

18. Works and structures in the beds of rivers and wetlands

(1) This condition and condition 19 of this schedule 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 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) The Consent Holder must undertake freshwater fauna salvage and relocation so that they are, so far as practicable, carried out in accordance with the adaptive management principles set out in the CEMP.

(5) Permanent works in or adjacent to the bed of a river 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 for flood management purposes.

(6) The design of permanent erosion protection or retaining structures 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.

(7) Permanent erosion protection or retaining structures 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 erosion protection or retaining structures**.**

(8) All flood resilience works and structures in, or adjacent to, rivers 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.

(9) 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 engineer stating that the permanent structure is capable of withstanding a 1% AEP flood event.

19. Further requirements at rivers and wetlands

(1) This condition applies if condition 18 of this schedule applies.

(2) For the purposes of condition 18 of this schedule, the Consent Holder must, at least 10 working days before starting permanent works within a river provide to the Manager Environmental Monitoring:

(a) design drawings for the permanent stream works; and

(b) a statement of how the design of stream works comply with condition 18 of this schedule.

(3) The Consent Holder must not start permanent works within a river before the Manager Environmental Monitoring has certified:

(a) that, based on the design drawings and the statement provided under condition 19(4), the design of permanent stream works comply with condition 18 of this schedule.

(4) All permanent works in the bed of a river must be carried out in accordance with the design drawings to which a certification by the Manager Environmental Monitoring under condition 19(3) relates.

(5) 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.

(6) 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 in circumstances where run-off might enter water;

(b) no vehicles, machinery, or equipment is refuelled within the bed of a river or in any other location where spills might enter water;

(c) the storage of fuel or contaminants adjacent to a river 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.

(7) The Consent Holder, on becoming aware that any contaminant has been discharged into a river 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.

(8) The Consent Holder must take the actions set out in condition 19(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.

(9) 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; and

(ii) rivers.

(10) 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.

20. Dewatering

(1) The Consent Holder must engage a suitably qualified and experienced professional to prepare procedures for managing dewatering (including avoiding, so far as practicable, or minimising effects on infrastructure, buildings, and other structures), groundwater takes, and diversions and discharges to land or water.

21. 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 Healthy Waters – *Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Draft 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.

22. Repair to Scheduled Historic Heritage

(1) If post work building conditions surveys identify accidental damage as having occurred toward a scheduled historic heritage feature arising from construction and associated works, remediation to scheduled historic heritage places must be undertaken as 'like-for-like' repair in accordance with good practice conservation principles. The Consent Holder must submit their remediation methodology to the Manager Environmental Monitoring (Manager Environmental Monitoring in consultation with Team Leader Built Heritage Implementation) for certification prior to any repair works commencing. The purpose of this condition is to confirm that the chosen methodology is appropriate from a heritage perspective.

Advice note:

Maintenance and repair in a like-for-like manner is generally a permitted activity under the AUP(OP) provisions (see rule D17.4.1(A6)), but the methodology will need to be checked by the Council's Heritage team to confirm that the work does not trigger further Resource Consent as a modification under rule D17.4.1(A9).

23. Walmsley Road Bridge Temporary Closure

(1) To minimise disruptions on the transport network, temporary closure of Walmsley Road Bridge must not commence before 27 April 2025, unless otherwise agreed with Auckland Transport.

24. 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 – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement Draft Construction Traffic Management Plan,* prepared by Tonkin & Taylor Ltd, dated November 2024. The objective of the CTMP is to manage potential adverse traffic effects associated with construction of the flood resilience works.

25. Disruption Minimisation Plan

(1) The Consent Holder must prepare a Disruption Minimisation Plan (**DMP**) and associated monitoring plan. The DMP must be submitted for certification by the Manager Environmental Monitoring in consultation with Auckland Transport prior to the full closure of Walmsley Road. The purpose of the DMP is to outline the framework for the ongoing monitoring, review, adaptation of mitigation and ongoing resolution of identified issues associated with the temporary detour routes.

(2) To achieve the objective, the DMP must include:

(a) Methods to monitor and manage impacts on the transport network, as set out in the CTMP in condition 24, and developed in consultation with Auckland Transport, including at the following locations:

(i) Coronation Road / McKenzie Road/Miller Road;
(ii) Bader Drive / McKenzie Road intersection;
(iii) Favona Road / Robertson Road intersection;
(iv) Bader Drive / Elmdon Street intersection;
(v) Bader Drive;
(vi) Mahunga Drive;
(vii) Rimu Road;
(viii) Hall Avenue;
(ix) Elmdon Street;
(x) Coronation Road Mangere Bridge Centre; and
(xi) Robertson Road.

(b) Methods to monitor and manage impacts on the transport network, as set out in the CTMP in condition 24, and developed in consultation with the New Zealand Transport Agency Waka Kotahi (**NZTA**), including at the following locations:

(i) Kirkbride Road / SH20A Interchange;
(ii) SH20 / Massey Road interchange; and
(iii) Rimu Road / SH20 interchange

(3) The requirements of the DMP may be addressed as part of the CTMP required under condition 24.

(4) If condition 25(3) applies, the certification provisions at condition 25(1) will apply to the CTMP required by condition 24.

Advice notes relating to the DMP:

To achieve the purpose of the DMP, Auckland Transport have identified that the following information is likely to be required to be included:

a. *Methods to establish a transport-specific working / oversight group with Auckland Transport, Auckland Transport Operation Centre (ATOC) and NZTA representatives as required and at the cost of the Consent Holder. This transport-specific working / oversight group must arrange a regular weekly meeting on the same day of the week, at a time agreed with the members of the group;*

b. *Methods to monitor and resolve any transport effects for queuing or unforeseen disruption along the proposed detour routes and the immediate transport network;*

c. *Methods to monitor and resolve the effects of traffic capacity and movements in consultation with Auckland Transport;*

d. *An Action Plan for areas at high risk of congestion and locations where network resilience could be significantly compromised. These should include (but not limited to) SH20 on and off ramps at Rimu Road, Mahunga Drive, Bader Drive, Mangere Bridge Centre, Elmdon Street, Hall Avenue;*

e. *Methods for providing safe and efficient operation of Auckland Transport managed passenger transport services;*

f. *Methods to ensure Emergency vehicles will be given right of way at all times and how they will be assisted through the detour routes or any traffic controls;*

g. *Methods to monitor in real time, in conjunction with ATOC, the following intersections and manage interventions:*

- *Coronation Road / McKenzie Road / Walmsley Road / Miller Road and bridge; with Walmsley Road;*
- *Bader Drive / McKenzie Road intersection;*
- *Kirkbride Road / Massey Interchange;*
- *Favona Road / Robertson Road intersection;*
- *SH20 / Massey Interchange;*
- *Bader Drive and Elmdon Street intersection; and*
- *SH20 / Rimu / Mahunga offramp Interchange*

h. *Methods to monitor and manage, on a daily basis the overall operation and safety of the following roads by a suitably qualified traffic engineer during both AM and PM peaks:*

- *Bader Drive;*
- *Mahunga Drive;*
- *Rimu Road;*
- *Hall Avenue;*
- *Elmdon Street; and*
- *Robertson Road.*

i. *Methods to monitor on a daily basis, the effects of increased traffic volumes on Mangere Bridge Centre during both AM and PM peaks;*

j. *Measures to provide additional transport assessments where changes are required to the detour route and subject to Auckland Transport approval;*

k. *The detailed design and location of all Temporary Traffic Management (TTM) mitigations proposed;*

l. *Methods for the Consent Holder to reimburse costs for changes in bus operations and any monitoring services provided by Auckland Transport / ATOC;*

m. *The process to record and investigate all traffic complaints that includes the following steps being taken as soon as practicable:*

i. *Acknowledge receipt of the concern or complaint within 24 hours and record:*

- *Time and date the complaint was received and who received it;*
- *Time and date of the activity subject to the complaint (estimated where not known);*
- *The name, address and contact details of the complainant (unless they elect not to provide);*
- *The complainants' description of the activity and its resulting effects; and*
- *Any relief sought by the complainant (e.g. scheduling of the activity).*

ii. *Identify the relevant activity and the nature of the works at the time of the complaint;*

iii. *If a complaint relates to building damage, inform the on-duty site manager as soon as practicable;*

iv. *Review the level of traffic effect and the mitigation and management measures in place;*

v. Record the findings and recommendations in a complaints' register that is provided to the Project Manager after each and every complaint and made available to the Manager Environmental Monitoring on request;

vi. Report the outcomes of the investigation to the complainant within ten (10) days of the complaint being received, identifying where the relief sought by the complainant has been adopted or the reason(s) otherwise; and

vii. Details that clearly indicate any comments from Auckland Transport regarding disruption that haven't been addressed and reasons why.

n. Methods to provide a Travel Management Plan for:

i. Any relevant schools to identify any safety or accessibility issues related to travel and how they will be resolved; and

ii. the residents on Walmsley Road to identify any safety or accessibility issues related to needing to walk further to use public transport stops and how they will be resolved.

26. Preliminary Design Road Safety Audit / Safe System Audit

(1) Unless a suitable safety assessment of all temporary site access points and temporary road layouts is undertaken elsewhere (i.e., as part of alternative approval process) and as otherwise agreed by with the Manager Environmental Monitoring, the Consent Holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent, Preliminary Design Road Safety / Safe System Audit of all site access points and road layout changes associated with the proposed temporary detour route.

(2) The Preliminary Audit must be completed by an independent and appropriately qualified safety audit team in accordance with the New Zealand Transport Agency Procedure Manual ("Road Safety Audit Procedures for projects") or the NZTA Safe System Audit Guidelines (July 2022), whichever is the most up-to-date document.

(3) The audit may be undertaken in a staged manner, for example to separate proposed site access from the proposed detour route.

(4) On completion of the Road Safety Audit, the Consent Holder must provide a copy to the Manager Environmental Monitoring and Auckland Transport. The Consent Holder must incorporate into the finalised temporary traffic management measures and CTMP:

(a) Any recommendations in the Road Safety Audit agreed with Auckland Transport; and

(b) In the event the Road Safety Audit identifies any serious or significant traffic safety related concerns, remedial measures to address that risk.

(5) Except for material changes, an audit is not required for any subsequent changes to temporary site access points and/or temporary road layouts.

27. 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 information. The purpose of the PCA is to document the pre-construction road pavement condition and must be based on a visual inspection of the road pavements at the following locations:

(a) Coronation Road (between Miller Road/McKenzie Road intersection and the Coronation Road/SH20 on and off ramp intersection);

(b) McKenzie Road (between Kirkbride Road and Miller Road);

(c) Walmsley Road (between the site and the Walmsley Road / SH20 on and off ramp intersection);

(d) Bader Drive between McKenzie Road and Robertson Road;

(e) Robertson Road between Bader Drive and Walmsley Road;

(f) Hall Avene and Elmdon Street between Walmsley Road and Bader Drive; and

(g) Mahunga Drive and Rimu Road between Walmsley Road and Coronation Road.

(2) 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.

(3) If the PCA required by condition 27(2) identifies any damage to the road pavements specified in condition 27(1) 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 and must provide a report to indicate what works were undertaken and completion of damage repairs. The methodology and timeframe for completing the repair works must be agreed with Auckland Transport.

(4) The PCA must be prepared by a suitably qualified and experienced person in transport engineering.

28. Landscaping Plan

(1) The Consent Holder must prepare a landscaping plan within prior to of the completion of the flood resilience works and provide this to the Manager Environmental Monitoring for certification. The objective of the landscape planting 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, be in general accordance with *the Healthy Waters – Te Ararata Flood Resilience Work – Walmsley Road Bridge Replacement Draft Under Revision Planting*

Plan, Drawing No. BM230171C510, 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 within the works area, and/or as otherwise agreed with Auckland Council Community Facilities; and

(f) maintenance requirements in relation to the replacement planting, including weed and pest control measures, and that all planting must be maintained for five (5) years following planting.

(3) 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

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

(a) starts on 1 May; and

(b) ends on 30 September.

Advice note:

The plants must be sourced from the Tamaki Ecological District unless otherwise agreed with the Manager Environmental Monitoring, and where practicable, the procurement of plants shall come from the Makaurau Marae Nursery.

29. 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.

30. Ecology principles

(1) The Consent Holder must apply the ecology principles set out in condition 30(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 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 terrestrial, and freshwater habitats);

(iv) impacts on habitat connectivity (including 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.

31. Managing ecological loss

(1) The Consent Holder must ensure that the Project Ecologist prepares a final ecology management plan (**EMP**) in general accordance with *Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement 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 31(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 SAG, the Consent Holder must provide the stakeholder advisory group and the Manager Environmental Monitoring with a report that describes the ecological mitigation works carried out by the Consent Holder.

32. Myrtle Rust

(1) 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 unless otherwise agreed with the Manager Environmental Monitoring. 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.

Advice Note:

- *Participating producers can be found at www.plantpass.org.nz/biosecurity/participatingproducers*
- *The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols. Sourcing Myrtaceae species from participating producers will satisfy the above condition. A copy of the Myrtle Rust Plant Production Management Protocol can be found at the website (https://nzppi.co.nz/CURRENT-THREATS/19727-s119533/).*
- *For plant producers that are waiting to be certified - This condition will be satisfied if the plant supplier has registered with Plant Pass and is waiting to be certified for the Myrtle Rust Specific Module.*

33. 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.

34. 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.

35. Relocation of existing Pōhutukawa

(1) The Consent Holder must take all reasonable steps to relocate the existing Pōhutukawa identified as 'Tree 15' in the *Arboricultural Assessment of Effects and Tree Protection Plan*, prepared by the Tree Consultancy Company, dated October 2024, to a location within the works location, and as agreed with Community Facilities.

(2) Prior to undertaking the propoped relocation, the Project Arborist must:

(a) Develop a tree relocation methodology to minimise adverse effects on the Pōhutukawa; and

(b) Confirm the final location of the Pōhutukawa in consultation with Community Facilities. The final location must be identified in the Lanscaping Plan prepared in accordance with condition 28.

(3) If the Project Arborist determines that relocation cannot be practicably achieved:

(a) The Project Arborist must make recommendations to the Consent Holder relating to the replacement of the Pōhutukawa; and

(b) The replacement trees must be included in the landscaping plan prepared in accordance with condition 28.

36. Supervision of construction works near protected trees

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

37. Geotechnical Supervision and Construction Methodology

(1) The Consent Holder must provide a detailed construction methodology written or reviewed by a geo-professional (as defined by the Council Code of Practice, Chapter 2: Earthworks and Geotechnical) for the contractor to undertake the temporary excavation for the proposed culvert removal. The objective of this is to ensure boundary stability is maintained throughout this stage of the development. The construction methodology must be provided in writing to the satisfaction of the Manager Environmental Monitoring prior to the culvert removal commencing.

(2) The proposed works must be supervised by a suitably qualified engineering professional. In supervising the works, the suitably qualified engineering professional must ensure that they are constructed and otherwise completed in accordance with *Geotechnical and Groundwater Assessment Report* prepared by Tonkin & Taylor reference no. 1017033.2003 v1.1 dated November 2024 and subsequent detailed design reports.

(3) Certification from a suitably qualified engineering professional responsible for supervising the works must be provided to the Manager Environmental Monitoring, confirming that the works have been completed in accordance with above condition, within 20 working days following completion. Written certification must be in the form of a geotechnical completion report acceptable to the Manager Environmental Monitoring.

38. 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 condition, **native fish capture relocation plan** means the plan for relocating native fish captured during proposed construction works that is included in the *Healthy Waters – Te Ararata Flood Resilience Works – Walmsley Road Bridge Replacement 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 31(1) of this schedule.

39. 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.

40. 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.

41. Review Charges

(1) If the consent authority reviews the conditions imposed under clause 16 of the AC-OiC on the consent, 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.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in section 2 of the RMA.*

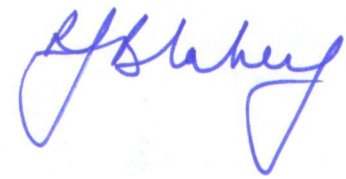
2. *Landowner Approval (LOA): Unless an alternative process is established, works within the existing reserves may require Landowner Approval. The Land Advisory Team should be contacted at landadvisors@aklc.govt.nz*

3. *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*

4. *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.*

5. *The Consent Holder is advised that they must apply for a temporary resolution for all relevant temporary transport controls.*

6. *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.*



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☐**	**Auckland Isthmus☐**	**Hauraki Gulf Islands ☐**	**Waitakere ☐**
Manukau ☐	**Rodney ☐**	**North Shore ☐**	**Papakura ☐**	**Franklin ☐**

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:**

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.