



APPENDIX E

Proposed Consent Conditions

Draft Conditions

Advice Note: The Te Pūwaha project is the culmination of a process of co-governance, co-managing and co-design between all the project partners. This co-management and co-design process will be realised by Whanganui District Council and Te Mata Pūau when developing the final design of the project, during the implementation of the conditions of consent and, including ensuring that an abundance approach is fulfilled in all aspects of the project.

Description Specification

1. This resource consent authorises the maintenance and redevelopment works on the Whanganui Port structures. The works include:
 - a. Removal and replacement of Wharves 2 and 3 and the associated erosion protection structures and seawalls;
 - b. The installation of the boat lifting runways (platform) and infrastructure extending into the Whanganui River including a small area of reclamation and declamation where the boat hoist runways connect with the heavy pavement hardstand;
 - c. Repairs and maintenance of the amour rock seawall between the public boat ramp and Wharf 3;
 - d. The associated discharge of sediment and water into the Whanganui River and coastal marine area adjacent to the wharves and revetment wall;
 - e. Replacement of existing stormwater outfalls that project through the existing river edge retaining wall (there are currently four outfalls at the site); and
 - f. Addition of two new stormwater outfalls to service the new heavy pavement areas.

2. The activities authorised by this resource consent shall be carried out in general accordance with:
 - a. The documentation submitted with the resource consent application referenced as resource consent numbers *[insert Horizon's consent reference numbers]* by the consent authority and listed in "Table 1: Submitted Documentation" below, and the final plans provided pursuant to Condition 3 below;
 - b. The documentation certified in accordance with the conditions of these resource consents.

Advice Note: *The plans submitted in the resource consent for the wharf design provide design options for these structures. The final design will be either of these options, or a combination of these options. The final plans will therefore be provided to Council to confirm which design option will be erected.*

Advice Note: *In the event of inconsistency between the plans and documents listed in "Table 1: Submitted Documentation" and a condition(s) of these resource consents, the condition(s) shall prevail.*

[Include a Table which lists all the relevant plans attached to the resource consent application].

3. Final Plans

- a. At least 15 working days prior to the proposed date of commencement of construction, the Consent Holder must provide final plans and elevations of all works including structures, revetment walls, services and associated permanent and temporary occupation of the coastal marine area, to the Compliance Manager, Manawatū-Whanganui Regional Council (**MWRC**), for MWRC's records.
- b. In addition to those identified elsewhere in these conditions, and subject to development with Te Mata Pūau, the final plans shall identify the further 'abundance' outcomes to be incorporated into the project, including, but not limited to, improving the habitat values of the rock revetment and/or near the wharf structures, where practicable.

Advice Note: *Abundance outcomes means, any activities or outcomes which positively contribute to Tupuna Te Kawa – being the intrinsic values that represent the essence of Te Awa Tupua.*

4. The Consent Holder shall be responsible for all contracted operations related to the exercise of this resource consent and shall ensure contractors are made aware of the conditions of this consent and ensure compliance with those conditions.
5. A copy of this consent shall be kept on-site at all times that physical works authorised by this resource consent are being undertaken and shall be produced without unreasonable delay upon request from an officer or agent of the MWRC.

Advice Note: *An electronic copy of this resource consent is considered to be acceptable.*

Pre-Development Assurance

6. The Consent Holder shall submit for certification at least **ten (10) working days** prior to the commencement of physical works a construction environment management plan (CEMP). The CEMP shall include:
 - a. A copy of the certified Erosion and Sediment Control Plan (ESCP);
 - b. A copy of the Spill Management and Response Plan (SMRP);
 - c. Methods to minimise the effects on marine biota, including minimising disturbance of the riverbed and the staging of riverbed disturbance works, where practicable;
 - d. Methods to manage construction noise;
 - e. Methods to minimise the underwater noise effects on marine mammal species;
 - f. The name and contact details of the contractor undertaking the works as well as the representative of the consent holder;
 - g. The full text of the conditions of the Archaeological Authority including current telephone and email contact information for each party to be notified on initiation of the Archaeological Authority;
 - h. Details of the construction biosecurity management methods;

- i. Methods to ensure that staff:
 - are fully aware of the requirements of the CEMP and the need to protect the environment;
 - are trained and capable of the tasks they are carrying out;
 - adopt best practice methodologies where required by these conditions or the CEMP; and
 - behave in accordance with the objectives of the CEMP.
- j. Any other information to demonstrate compliance with the conditions of consent.

The Consent Holder shall undertake works in accordance with the certified CEMP.

- 7. The Consent Holder must prepare and implement an **ESCP**. The purpose of the ESCP is to identify the construction processes, which have the potential to cause erosion, sediment and stormwater runoff; and identify the methods and techniques, and management procedures and protocols, including monitoring and reporting. The ESCP shall:
 - a. Set out best practice methods to minimise or avoid erosion and/or sediment mobilisation into the receiving environment. The methods should generally be in accordance with Erosion and Sediment Control - Guidelines for the Greater Wellington's Guidance, dated June 2006 – and the requirements below.
 - b. Include methods to minimise any sediment release and water turbidity in the Whanganui River during demolition, disturbance and wharf construction works including the use of sediment curtains or booms to contain sediment released from construction works adjacent to or within the river, where practicable;
 - c. Measures to reduce the potential discharges of fine sediments into the river from and sediment contained within the new material used for the wharf and revetments structures
 - d. Ensure riverbed and foreshore construction work makes best use of low tides;
 - e. Ensure regular inspection and maintenance of mitigation sediment control devices, including additional inspections after significant rainfall events.
 - f. Include measures to ensure that no uncured cement or cement based products enter the flowing water in the watercourse during the exercise of works authorised by this consent, including:
 - i. A requirement that any uncured concrete placed in or near the Whanganui River shall be undertaken in such a manner that no concrete or cement leaches out and enters the Whanganui River; and
 - ii. A requirement that any new concrete or mortar shall not be exposed to the flow of water before the concrete or mortar has hardened to a strength of at least 10 megapascal (MPa), or for at least forty-eight (48) hours from completion of pouring.
- 8. The Consent Holder must prepare and implement a **SMRP**. The purpose of the SMRP is to identify the construction processes, plant and equipment, materials and substances proposed to be used during construction of the project which have a risk of hazardous materials or hazardous substances spillage; and identify the methods and techniques, and management procedures

and protocols, including monitoring and reporting, that will be implemented in order to appropriately manage these spillage risks.

- a. The SMRP shall, at a minimum, set out:
 - i. Specific measures to manage the effects on the marine ecology and water quality that must be implemented, which may include, but not be limited to:
 - Cleaning and maintenance of all civil and marine plant, equipment and machinery before arrival at the site and at regular intervals during use at this site, in appropriate bunded areas incorporating oil/grease traps where possible;
 - Use of biodegradable hydraulic oils where practicable, particularly for equipment being used in the Whanganui River or in and around the river;
 - Ensuring no fuel or hazardous chemicals storage shall occur in areas over or within 20 metres adjacent to the Whanganui River; and
 - Secure and effective plant and equipment refuelling systems and storage measures incorporating secondary containment and/or bunded fuel storage;
 - Measures to ensure concrete material does not enter the Whanganui River.
 - ii. Details of emergency spill management processes and reporting.
 - b. The SMRP must require the Consent Holder to:
 - i. Undertake regular monitoring of construction equipment, fuel storage facilities and refuelling systems, and chemical and hazardous substance storage facilities;
 - ii. Maintain a register of all hazardous substances and dangerous goods being stored on-site;
 - iii. Implement best practice plant and equipment maintenance and refuelling procedures and methods, and effective management processes including regular inspections, audits, monitoring and reporting.
9. Methods to manage effects of underwater noise in the CEMP shall require:
- a. an observer (who may be part of the construction team) to provide watch over an area, extending 155m from any in-water impact and vibration piling activity, for fur seals and orca at least 30 minutes before and during in-water impact and vibration piling operations. If a marine mammal is observed, in-water impact and vibration piling operations shall not commence or shall cease until the mammal(s) has moved out of the zone.
 - b. measures to be implemented to minimise the effects of underwater noise, where practicable and only for in-water piling include:
 - minimise the use of impact pile driving methodology to reduce noise levels;
 - using 'soft starts' and ramping up activity (gradually increasing the intensity of impact piling);
 - using a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet, (e.g. plastic or plywood);

10. Any changes proposed to the CEMP and ESCP shall be confirmed in writing by the Consent Holder and certified in writing by the Manawatū-Whanganui Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.
11. The Consent Holder shall ensure that a copy of the certified CEMP and ESCP, including any certified amendments, is kept onsite and this copy is updated within **five (5) working days** of any amendments being certified.

Advice Note: *The Team Leader – Consents Monitoring can be contacted on 0508 800 800, -OR compliance.shared@horizons.govt.nz*

12. The Consent Holder shall arrange and conduct a pre-construction site meeting and invite, with a minimum of **ten (10) working days'** notice, the Manawatū-Whanganui Regional Council, consents holders contact person and the contractors identified in the CEMP, Te Mata Pūau, Nga tangata Tiaki o Whanganui, the contractor, and any other party representing the Consent Holder prior to any work authorised by this resource consent commencing on site.

Advice Note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.*

13. Prior to activities commencing as authorised by this resource consent, the Consent Holder shall work with Te Mata Pūau to develop and implement an onsite induction programme which ensures all contractors are appropriately inducted into the project within a Te Awa Tupua and Tupua te Kawa context.
14. Before commencing construction, and as construction extends into a new area, the consent holder shall identify if there are any Kekeno (New Zealand Furseals) or Korora (Little Blue penguins) prior to any works commencing. If such birds are present on the foreshore where construction works are proposed, then a buffer must be established around the birds. The buffer distance and measures to minimise the effects on these birds must be developed in conjunction with the Department of Conservation.

Environmental Standards

15. The Consent Holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during the duration of the works and during the term of this consent. In this regard, erosion and sediment control measures shall be established and maintained in accordance with the document titled "Erosion and Sediment Control – Guidelines for the Wellington Region, dated June 2006", and the certified **ESCP**.
16. The Consent holder shall ensure the works are undertaken in a manner that minimises the impact on the existing marine biota. This shall include but is not limited to the following measures:
 - a. The consent holder shall reuse the maximum amount possible of existing rock in the new

- b. works;
 - c. Where possible, for the revetment walls, new rock is to be placed with minimal disturbance of existing rock. Where existing rock needs to be removed, the consent holder shall reuse as much as possible to be reused in the structure.
17. Activities authorised by this resource consent shall not result in the discharge of contaminants that are toxic to aquatic ecosystems.

Advice Note: *This includes leakage of fuel, oil and other contaminants from machinery used for activities under this consent.*

Operational Restrictions

18. The Consent Holder shall ensure that all erosion and sediment control structures are inspected on a weekly basis and within **twenty-four (24) hours** of each rainstorm event that is likely to impair the function or performance of the controls.
19. If any issues of concern arises that result beyond what has been considered through this process on Te Awa Tupua, the consent holder must notify Te Mata Pūau regarding the activities and their direct or indirect effects on Te Awa Tupua. Representatives of the project including the consent holder, Te Pūwaha and Te Mata Pūau will:
- a. meet without delay (and no less than 48 hours after notification of the concern);
 - b. discuss the issues of concern; and
 - c. seek to resolve the issues of concern in good faith and in a manner which upholds Tupua te Kawa).
20. Construction works by this resource consent shall be restricted to the following hours:
- a. 7:00 am - 6:30 pm on weekdays; and
 - b. 7:30 am - 1:00 pm on Saturdays.
 - c. no works on any Saturday after 1:00 pm, Sunday or Public Holiday.

Advice Note: *The restriction on the days and hours of construction works shall not apply to low noise causing activities (such as site set up, painting, electrical works or planting), which may be undertaken at any time if compliant with all other relevant conditions of, and documentation certified under, these resource consents.*

Post-Development Assurance

21. The removal of any erosion and sediment control measure from any area that has been disturbed as a result of the exercise of this resource consent shall only occur after consultation and written approval has been obtained from the Manawatū-Whanganui Regional Council acting in a technical certification capacity.

Monitoring Provision

22. The Consent Holder shall carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this resource consent and shall maintain records detailing:
- a. The date, time and results of the monitoring undertaken; and
 - b. The erosion and sediment controls that required maintenance; and
 - c. The date and time when the maintenance was completed.

These records shall be provided to the Manawatū-Whanganui Regional Council at all reasonable times and within 72 hours of a written request to do so.

23. If any complaints are received by the Consent Holder regarding the activities authorised by this resource consent, the Consent Holder shall notify the Manawatū-Whanganui Regional Council of those complaints as soon as practicable and no longer than one working day after receiving the complaint. If complaints are received, the consent holder shall record the following details in a Complaints Log:
- a. Time and type of complaint, including details of the incident, e.g. duration, any effects noted;
 - b. Name, address and contact phone number of the complainant (if provided);
 - c. Location from which the complaint arose;
 - d. The weather conditions and wind direction at the time of any dust complaint;
 - e. The likely cause of the complaint;
 - f. The response made by the consent holder including any corrective action undertaken by the consent holder in response to the complaint; and
 - g. Future actions proposed as a result of the complaint.

Post Construction

24. Within six months of completion of the structures and works listed below, the Consent Holder must provide the following information to the Compliance Manager, Manawatū-Whanganui Regional Council, for Manawatū-Whanganui Regional Council's records:
- a. For all coastal marine area structures constructed pursuant to this consent, an as-built plan with sufficient GPS information to demonstrate the structure's compliance with the consented envelope; and
 - b. For the reclamation / declamation constructed pursuant to this consent, an as-built plan or survey sufficient to meet the requirements of section 245 of the Resource Management Act 1991.
25. No later than three months following the completion of construction activities, the Consent Holder, in partnership with Te Mata Pūau, shall prepare an 'Abundance Outcomes Report'. The purpose of the report is to describe the abundance outcomes realised through the elements of

the Te Pūwaha project authorised by this resource consent. This report shall be made available to Horizons Regional Council upon request.