

# Appendix R - Proposed Resource Consent Conditions

## General Conditions

### Definition of Terms

1. In these conditions:
  - (a) **certify, certification and certified**, in relation to a Management Plan, means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is consistent with, or sufficient to meet, the conditions of this consent in terms of the matters set out in the conditions;
  - (b) **CMA** means the 'coastal marine area' as defined by the RMA;
  - (c) **Commencement of Construction** means the commencement of any construction works for the Project or, as the case requires, commencement of any constructions works for a part or stage of the Project;
  - (d) **consent holder** means Hutt City Council;
  - (e) **Council** means either Hutt City Council or Wellington Regional Council (as the case requires);
  - (f) **Management Plan** means one or more of the following management plans:
    - (i) Construction and Environmental Management Plan (CEMP);
    - (ii) Landscape and Urban Design Plan (LUDP);
    - (ii) Beach Nourishment Plan (BNP);
    - (iii) Little Penguin Management Plan (LPMP); and
    - (iv) Traffic Management Plan (TMP).
  - (g) **Manager, Environmental Regulation** means the Manager for the time being of the Environmental Regulation Department, Wellington Regional Council;
  - (h) **Project** means the design, construction, operation and management of the Eastern Bays Shared Path Project;
  - (i) **RMA** means Resource Management Act 1991; and
  - (j) **Team Leader, Resource Consents** means the Team Leader for the time being of the Resource Consent Department, Hutt City Council.

### Commencement and duration of consents

2. Pursuant to section 116 and 123 of the RMA, the commencement and duration of the various resource consents shall be as set out in the table below:

<b>Consent</b>	<b>Duration (subject to condition 3)</b>	<b>to</b>	<b>Commencement</b>
Coastal permit for the reclamation of the foreshore and seabed	35 years		
Coastal permit for the removal and demolition of seawalls	35 years		
Coastal permit for the occupation of the seawalls in the CMA	35 years		
Coastal permit for structures parallel to mean high water springs in an area outside of an Area of Significant Conservation Value	35 years		
Coastal permit for activities involving the use and development of structures outside an Area of Significant Conservation Value which cannot meet Permitted or Controlled Activity Standards	35 years		

Coastal permit for the construction of new seawalls, revetment, boat ramps and steps	35 years	
Coastal permit for the deposition of sand, shingle, shell or other natural material directly onto the foreshore for the purpose of combating beach or shoreline erosion and improving the amenity of value of the foreshore	35 years	
Coastal permit for the discharges to the CMA	35 years	

#### **Lapse**

3. Pursuant to section 125 of the RMA, these consents lapse [10] years after the date they were granted unless they have been cancelled, surrendered, or given effect to at an earlier date pursuant to the RMA.

#### **Review of conditions**

4. Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order:
- To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - To deal with any other adverse effect on the environment on which the exercise of the consent may have an influence.

**Advice note:** Any change from the location, design concepts and parameters, implementation and/or operation may require a new resource consent or change of consent conditions pursuant to section 127 of the RMA.

#### **Activities undertaken in general accordance with the consent application**

5. Except as modified by the conditions below, the location, design, implementation and operation of all activities shall be undertaken in general accordance with the consent application and associated plans and documents lodged with the Wellington Regional Council on [date/reference]:
- Eastern Bays Shared Path Project Assessment of Environmental Effects Report (dated March 2019);
  - Appendix A-1 Assessment of Environmental Effects for Intertidal Ecology (dated March 2019);
  - Appendix A-2 Beach Nourishment AEE (dated April 2019);
  - Appendix B Freshwater Fish Passage Requirements (dated March 2019);
  - Appendix C-1 Avifauna and Vegetation Assessment (dated April 2019);
  - Appendix C-2 Seagrass Survey Report (dated March 2019);
  - Appendix D Landscape and Visual Assessment (dated February 2019);
  - Appendix E Coastal Processes (dated March 2019);
  - Appendix F Beach Nourishment (dated March 2019);
  - Appendix G Alternatives Assessment (dated March 2019);
  - Appendix H Cultural Impact Assessment (dated April 2018);
  - Appendix I Consultation Summary Report (dated March 2019);
  - Appendix J Design Features and Construction Methodology (dated January 2019);
  - Appendix K Recreation Assessment (dated January 2019);
  - Appendix L Transport Assessment (dated February 2019);
  - Appendix M Base Information Plans
  - Appendix N Preliminary Design Plans (Revision J)
  - Appendix O Visualisations

6. In the event of any inconsistency between:
  - (a) the application, plans and documents referred to in Condition [5] and further information provided by the consent holder, the most recent information shall prevail; and
  - (b) the application, plans and documents referred to in Condition [5] and the conditions of consent, the conditions shall prevail.

#### **Management Plan Certification Process**

7. Conditions [8] to [13] shall apply to all Management Plans required by these conditions.
8. Management Plans shall be submitted to the Manager, Environmental Regulation [or the Team Leader, Resource Consents (as relevant)] for certification at least 20 working days prior to the Commencement of Construction.

**Advice note:** *Management Plans must be emailed to [notifications@gw.govt.nz](mailto:notifications@gw.govt.nz) [or HCC email address (as relevant)] and include the consent reference [WGNxxxx] and the name and phone number of a contact person responsible for the proposed works.*

**Advice note:** *Any preliminary works, which do not require resource consent or are permitted activities, can be undertaken prior to the certification of any Management Plans.*

9. Management Plans may be submitted in parts or in stages to address particular activities or to reflect the staged implementation of the Project. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.

**Advice Note:** *Under condition [21], the consent holder is required to address construction works programming in the CEMP, including confirmation of the proposed staging and sequence of the construction of the Project.*

10. Should the Manager, Environmental Regulation [or the Team Leader, Resource Consents (as relevant)] refuse to certify a Management Plan, or a part or stage of a Management Plan, the consent holder shall submit a revised Management Plan for certification as soon as practicable.
11. Any certified Management Plan may be amended if necessary to reflect any minor changes in design, construction methods or to manage effects. Any amendments are to be agreed by the Manager, Environmental Regulation [or the Team Leader, Resource Consents (as relevant)] in writing prior to the implementation of any changes.
12. Any changes to a certified Management Plan submitted for consideration under Condition [10] involving a materially different outcome under Condition [11] must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions. Where a Management Plan was prepared in consultation with affected parties, any material changes to that Plan shall be prepared in consultation with those same parties. A “material change” is an amendment, which the Manager, Environmental Regulation [or the Team Leader, Resource Consents (as relevant)] determines would (once implemented) result in a materially different outcome to that described in the original Management Plan.
13. All works and monitoring shall be carried out in general accordance with a certified Management Plan.

### **Wellington Regional Council – Proposed Regional Resource Consent Conditions**

#### **Pre-construction conditions**

##### **Engineering Plans and Specifications**

14. At least 20 working days prior to the Commencement of Construction (excluding site investigations), the consent holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of reclamation and de-reclamation, permanent and temporary structures, outfalls structures and associated permanent and temporary coastal zone occupations) to the Manager, Environmental Regulation for technical certification that they comply with Condition [5].
15. The engineering plans and specifications submitted under Condition [14] shall cover the following matters:

- (a) Shared path;
- (b) Seawalls, including drainage;
- (c) Revetment;
- (d) Access steps, ramps, bus stops; and
- (e) Beach nourishment.

16. The consent holder shall comply with the certified engineering plans and specifications.

#### **Construction and Environmental Management Plan**

17. The consent holder shall prepare a Construction Environmental Management Plan (CEMP) for the relevant Project stage and submit this to the Manager, Environmental Regulation at least 20 working days prior to the Commencement of Construction. Construction shall not commence until certification is obtained.
18. The purpose of the CEMP is to confirm final Project details, ensure that the construction works remain within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate adverse effects arising from the construction activities.
19. The CEMP shall include the Management Plans required by Conditions [25] to [35] and [61] to [63] as appendices.
20. The CEMP shall include details of:
- (a) Construction works programming (see condition [21 and 22]);
  - (b) Site Management (see condition [23 and 24]);
  - (c) Staff and contractors' responsibilities;
  - (d) Training requirements for employees, contractors, any sub-contractors and visitors;
  - (e) Environmental incident and emergency management;
  - (f) Environmental complaints management;
  - (g) Compliance monitoring;
  - (h) Corrective actions, if necessary in specified circumstances (including, where necessary, relating to wildlife management);
  - (i) Stakeholder and communication management;
  - (j) The final construction methodologies; and
  - (k) Measures to control erosion and sediment, and to prevent external contaminants from entering the CMA from land or construction activities during construction works. This includes inspection and maintenance procedures.

#### **Construction Works Programme**

21. The consent holder shall prepare, as part of the CEMP, a Construction Works Programme that will enable the Project to be constructed in a manner that is timely, adequately coordinated and minimises the adverse effects of construction on the existing users of the affected land and water space.
22. The Construction Works Programme shall, among other matters, provide details of the programme for the construction works throughout all stages of the development process, hours of work, and how daily construction activities will be managed to ensure compliance with the conditions.

#### **Site Management**

23. The consent holder shall prepare, as part of the CEMP, a Site Management Plan to ensure that procedures are in place to manage the site safely and ensure the site remains in an appropriate condition throughout the entire construction process.

24. The Site Management Plan shall provide details on the following:
- (a) The clear identification and marking of the construction zone within the CMA and the provision of any necessary information to ensure safe and effective access by other parties through the construction zone;
  - (b) The measures to be adopted to maintain the construction zone and adjacent parts of the CMA in a tidy condition in terms of storage and unloading of materials, refuse storage and disposal (so as to avoid attracting mammalian predators and undesirable species to the construction area) and other activities;
  - (c) The provision of any site office, parking for workers' vehicles and workers' conveniences (e.g. portaloos);
  - (d) The location of construction machinery access and storage during the period of site works;
  - (e) Maintaining public pedestrian access along Marine Drive during construction; and
  - (f) The procedures for controlling sediment runoff into the CMA, and the removal of any debris and construction materials from the CMA.

#### **Landscape and Urban Design Plan**

25. The consent holder shall prepare a Landscape and Urban Design Plan (LUDP) for the Project in accordance with conditions [26] to [29] and submit this to the Manager, Environmental Regulation for certification at least 20 working days prior to the Commencement of Construction.
26. The LUDP shall be prepared with input from an ecologist, engineer, landscape architect and urban designer and in consultation with:
- (a) Wellington Tenth's Trust;
  - (b) Port Nicholson Block Settlement Trust;
  - (c) Relevant Resident Associations;
  - (d) Hutt City Council (Parks and Reserves); and
  - (e) Eastbourne Community Board.
27. The LUDP shall, as a minimum, address how the detailed design of the Project responds to:
- (a) The principles set out in the Eastern Bays Shared Path Design Features Report (Appendix J), and the other plans and documents referred to in Condition [5]; and
  - (b) Industry Standards.
28. The LUDP shall include Bay Specific Urban Design Plans (BSUDPs) for each bay within the Project area, which integrate the Project's permanent works into the coastal environment and with the adjacent land.
29. The BSUDPs will specifically address the detailed design of the Project in the specific bay location for the benefit of pedestrians, cyclists and others using the local road network, including:
- (a) Seawall structures such as curved concrete walls, revetments and combination concrete wall and revetment, in terms of their scale and materials and fit in the landscape and including transition zones between seawall types. This includes considering opportunities to incorporate texture and depressions into the seawalls and the reuse of colonised rock material, where practicable;
  - (b) Beach access including all steps and ramps and associated handrails where required and including their surface treatment and handrails where required;
  - (c) Treatment of stormwater structures at the coastal interface;
  - (d) Penguin related structures including penguin passage elements, ramps and nests;
  - (e) Planting treatment;
  - (f) Treatment of existing trees;
  - (g) Treatment of existing landscape features;
  - (h) Beach nourishment; and

- (i) Signage and storyboards.

#### **Beach Nourishment Plan**

- 30. The consent holder shall prepare a Beach Nourishment Plan (BNP) in accordance with condition [31] and submit this to the Manager, Environmental Regulation for certification at least 20 working days prior to the Commencement of Construction.
- 31. The BNP shall include, but not be limited to:
  - (a) the name and location of the sediment source;
  - (b) evidence of approvals and consents for taking the material;
  - (c) a specification of the borrow material including:
    - (i) median grain size;
    - (ii) grading envelope;
    - (iii) colours; and
    - (iv) extent of placement; and
  - (d) a construction methodology from the contractor, including measures to limit potential adverse effects.

#### **Little Penguin Management Plan**

- 32. The consent holder shall prepare a Little Penguin Management Plan (LPMP) in accordance with conditions [33] to [35] and submit this to the Manager, Environmental Regulation for certification at least 20 working days prior to the Commencement of Construction.
- 33. The LPMP shall be prepared in consultation with the Department of Conservation and the Eastern Bays Little Penguins Group.
- 34. The purpose of the LPMP shall be to as far as practicable avoid, but otherwise mitigate or remedy adverse effects on the Little Penguin population established in and nearby the existing revetment, during the construction period.
- 35. The LPMP shall address the following matters:
  - (a) Measures to minimise adverse effects on the Little Penguin population during construction;
  - (b) A programme for monitoring Little Penguins within or adjacent to the construction area during the construction works;
  - (c) Staff and contractor training; and
  - (d) Contribute to the detailed design phase of the Project, including enhancement of habitat for the future.

**Advice note:** *The necessary permit under the Wildlife Act 1953 from the Department of Conservation for the handling of protected wildlife will be required.*

#### **Implementation**

- 36. 10 working days prior to the Commencement of Construction, the consent holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent.
- 37. All personnel working on the site shall be made aware of the requirements contained in the CEMP. A copy of the certified CEMP shall be held on each of the project sites at all times while any activity associated with construction is occurring. The certified CEMP shall be implemented and maintained throughout the entire period of the works.
- 38. The consent holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent, are kept on site at all times and available for inspection on request by the Wellington Regional Council.

#### **Construction conditions**

**Intertidal ecology**

39. For any construction areas where there are intertidal rock pools, prior to the Commencement of Construction the consent holder shall check any rock pools within the construction area or fish (i.e. such as rock fish) and relocate them outside of the construction area.
40. For any construction areas that may extend into the subtidal zone, the consent holder shall –
  - (a) Reduce the construction area to avoid encroachment into the subtidal zone and avoid operating heavy machinery in the sea, wherever practicable; and
  - (b) Reduce the risk to seagrass at south Lowry Bay.

**Fish Passage**

41. The consent holder shall take all practical measures to ensure that fish passage is maintained at key outlets within the Project area.

**Sediment control**

42. Erosion and sediment control shall be undertaken in accordance with the *Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)* and a certified CEMP.

**Contaminant Release**

43. The consent holder shall take all practical measures to limit the amount of sediment and to prevent external contaminants from entering the CMA from land or construction activities during construction works. Such measures shall include, but are not limited to:
  - (a) Refuelling and carrying out machinery maintenance at least 10m inland from MHWS.
  - (b) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA.
  - (c) Minimising the use of machinery within the CMA, where practicable.
  - (d) Providing appropriate wash-down facilities for all concreting equipment to the satisfaction of the Wellington Regional Council to prevent wash water from entering the CMA.
  - (e) Storing any hazardous substances so that they will not enter the CMA.
  - (f) Ensuring that during piling or seawall construction and ancillary work no wet concrete shall enter the CMA.

**Notification of completion of works and works completion reporting**

44. After completion of each work stage, the consent holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.
45. All works, including tidy up on completion of the works, shall be completed to the satisfaction of the Manager, Environmental Regulation.
46. The consent holder shall maintain the site in good order and shall, as far as practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during construction, to the satisfaction of the Wellington Regional Council.

**Reclamation**

47. All imported fill/rock material to be used in the reclamations, revetments and associated toe aprons and wave/tide bunds shall be in accordance with the Ministry for the Environment 'cleanfill' definition, as detailed in Publication ME418 'A Guide to the Management of Cleanfills, 2002' or subsequent updates.
48. The consent holder shall maintain a log recording the source of fill/rock material imported onto each reclamation on the site. This log shall be made available to the Wellington Regional Council for inspection on request.
49. The consent holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145), a set of 'as built' plans, final topographic and bathymetric data covering the finished works, and appropriate certification confirming

that the new structures and structures have been built in accordance with sound engineering practice, within 60 working days of the completion of the works.

#### **Discovery of artefacts**

50. Discovery of Archaeological Features or Deposits:

If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:

1. Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Historic Places Act 1993.
2. If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks.
3. The HPT will be informed of the discovery and, if the site cannot be avoided, an application for an Authority to modify the archaeological site will be made (this is a legal requirement).
4. If the archaeological site relates to Maori occupation Taranaki Whanui must be consulted.
5. No work can be carried out that will affect the site until 15 working days after an Authority has been granted.
6. Any conditions attached to the Authority must be complied with (these may involve archaeological recording, sampling or more detailed investigation, and the completion of an archaeological report).

51. Discovery of Taonga:

Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tuturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the Historic Places Act 1993.

If taonga are discovered the procedure set out for the discovery of archaeological sites (above) must be followed, and the following procedure will apply to the taonga itself:

1. The area of the site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.
2. The archaeologist will then inform the HPT and the nominated Taranaki Whanui representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined.
3. Work may resume when advised by the HPT or archaeologist.
4. The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.
5. The Ministry for Culture and Heritage, in consultation with Taranaki Whanui, will decide on custodianship of the taonga.

*Tangata Whenua Contacts:*

*The contact details for Taranaki Whanui are as follows:*

*Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: 027 4599050*

*PO Box 12164, Thorndon, Wellington 6144*

*Wellington Tenth's Trust (Wellington) – Morrie Love telephone 0274540148*

*PO Box 25499, Wellington*

*Level 2, Te Raukura, Taranaki Street Wharf, 15 Jervois Quay, Wellington*

#### **Monitoring**

52. The consent holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for generally minor redistribution of beach material. The surveying shall commence prior to the Commencement of Construction, and continue for 2 years after construction in that bay is completed. This survey information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and made available to the Wellington Regional Council.

53. Monitoring of the beach nourishment should be carried out and include surveys of the completed work within one week of the beach nourishment being completed within each embayment. The surveys should include the nourished area and the foreshore at the base of the seal extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Pt Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.
54. Monitoring of the beach nourishment should be carried out every 6 months for a period of 2 years with a report completed after the 2 year period to assess the changes and make recommendations on the requirement for ongoing monitoring, or if the monitoring could cease.

#### **Incidents - General**

55. The consent holder shall maintain a permanent record of any incidents (such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent) that occur at individual work stages that result, or could result, in an adverse effect on the environment.
56. The record shall include:
  - (a) The type and nature of the incident.
  - (b) Date and time of the incident.
  - (c) Weather conditions at the time of the incident (as far as practicable).
  - (d) Measures taken to remedy the effects of the incident.
  - (e) Measures put in place to prevent the incident from reoccurring.
57. This record shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
58. The consent holder shall immediately notify the Manager, Environmental Regulation of any such incident.
59. The consent holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall describe reasons for the incident, measures taken to mitigate the incident and measures to prevent recurrence.

***Note:** The Wellington Regional Council may also investigate any incidents to determine if a breach of this consent or the Resource Management Act 1991 has occurred and may also undertake enforcement action depending on the circumstances*

#### **Complaints Received**

60. The consent holder shall notify Wellington Regional Council of any complaints received relating to the exercise of the consents within 7 working days of it being received by the consent holder.

### **Hutt City Council – Proposed District Resource Consent Conditions**

#### **Traffic Management Plan**

61. The consent holder shall prepare a Traffic Management Plan (TMP) to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification under conditions [7] to [13].
62. The TMP shall include, but not be limited to, the following:
  - (a) Management of traffic along Marine Drive adjoining the construction areas;
  - (b) Access and parking for contractors; and
  - (c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort site at Point Howard (including communication and any necessary physical management steps).
63. The consent holder shall enter into an agreement with CentrePort prior to any construction works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105), adjacent to the CentrePort wharf (Point Howard),

to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.

**Construction Noise**

64. Noise resulting from construction activity shall not exceed the New Zealand Construction Noise Standard NZS 6803 (1999).