

Appendix R - Proposed Resource Consent Conditions

Index of Resource Consents

The following table sets out the condition references for each of the resource consents.

Ref	Consent	General conditions	Specific conditions
1	Coastal Permit (s12, s14 and s15) – Reclamation of the foreshore and seabed	[TBC]	[TBC]
2	Coastal Permit (s12, s14 and s15) – Removal and demolition of seawalls		
3	Coastal Permit (s12, s14 and s15) – Occupation of the seawalls in the CMA		
4	Coastal Permit (s12, s14 and s15) – Structures parallel to MHWS in an area outside of an Area of Significant Conservation Value		
5	Coastal Permit (s12, s14 and s15) – Activities involving the use and development of structures outside an Area of Significant Conservation Value which cannot meet permitted or controlled activity Standards		
6	Coastal Permit (s12, s14 and s15) – Construction of new seawalls, revetment, boat ramps and steps		
7	Coastal Permit (s12, s14 and s 5) – 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		
8	Coastal Permit (s12, s14 and s15) – Discharges to the CMA		
9	Land use (s9) – Construction, alteration and diversion of Marine Drive		
10	Land use (s9) – Construction works within the Significant Natural Resource site identified as SNR 44		
11	Land use (s9) – Earthworks within the Special Recreation and Passive Recreation Zoning		

Definitions

The table below defines the acronyms and terms used in the conditions below.

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	The Beach Nourishment Plan.
CEMP	The Construction Environmental Management Plan.
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 technically consistent with the requirements contained within the conditions of this consent.

Dated 11 June 2020.

Acronym/Term	Definition
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.
Commencement of Construction	The time when Construction Works (excluding site investigations and enabling works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and enabling works) undertaken under these resource consents.
Consent Holder	Hutt City Council
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LPMP	The Little Penguin Management Plan.
LUDP	The Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.
Reclamation	Areas permanently reclaimed from the CMA based on the definition in the Natural Resources Plan for the Wellington Region.
RMA	The Resource Management Act 1991.
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	The Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.

General Conditions

These general conditions apply to all resource consents unless specified otherwise. Additional conditions which apply to specific resource consents are set out in the following pages.

Ref	Condition
<i>General and Administration</i>	
GC.1	Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019.
GC.2	Where there is inconsistency between: <ul style="list-style-type: none"> (a) The application, plans and documents referenced in Condition GC.1 and further information provided by the Consent Holder post lodgment, including during the hearing, the most recent information and plans shall prevail; and (b) The application, plans and documents referenced in Conditions GC.1 and GC.2(a) and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of Commencement of Construction at least 20 working days prior to that date.
GC.4	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 at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	<ul style="list-style-type: none"> (a) Conditions (b) to (i) to below apply to all management plans required by these conditions. (b) All management plans shall be submitted to the Manager, Environmental Regulation or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction. (c) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions. (d) All management plans may be submitted in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities. (e) Any certified management plan may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation or the Team Leader, Resource Consents (as relevant) to inform them of the change, unless those amendments would result in a materially different outcome to that described in the original plan. (f) Any material amendments to a certified management plan shall be submitted to the Manager, Environmental Regulation or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents. (g) If no comments are received on a management plan submitted under (b), or an amended management plan in (f), within 10 working days then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.

Ref	Condition
	<p>(h) 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. Should certification of the revised plan be withheld then the Consent Holder must within 10 working days engage a suitably qualified mutually acceptable independent expert to resolve the matters in dispute and his or her decision shall be final. The cost of such a process is met by the Consent Holder.</p> <p>(i) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or [HCC email address] and include the reference WGN190301 or RM190124 (as relevant), and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>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.</i></p>
<p><i>Construction and Environmental Management Plan</i></p>	
<p>GC.6</p>	<p>(a) The Consent Holder shall, in consultation with an experienced ecologist, prepare a CEMP for the relevant Project stage (excluding site investigations and enabling works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate adverse effects arising from the Construction Works.
<p>GC.7</p>	<p>The CEMP shall include:</p> <ul style="list-style-type: none"> (a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis and, for works in the subtidal areas, shall reflect Condition C.6(d); (b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8; (c) The final construction methodologies; (d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, email address); (e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid, remedy or mitigate potential adverse effects; (f) The proposed hours of work; (g) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking; (h) The clear identification and marking of the construction areas within the CMA; (i) Where machinery is to be within the CMA, a list of that machinery and a protocol, developed in consultation with an experienced ecologist, for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations; (j) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid

Ref	Condition
	<p>attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities;</p> <p>(k) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.6;</p> <p>(l) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA. Such procedures and measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> (i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment; (ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA; (iii) Keep the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works; (iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP; (v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA; (vi) Storing any hazardous substances so that they will not enter the CMA; (vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work, no wet concrete, or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA; (viii) Ensuring that during piling or seawall construction and ancillary work within the CMA complies with Condition C.6; (ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment; and (x) Removal of any temporary construction materials and debris associated with the Construction Works from the CMA; <p>(m) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, their location and are informed about the expected duration and effects of the work;</p> <p>(n) Means for maintaining public pedestrian access along Marine Drive during construction;</p> <p>(o) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up;</p> <p>(p) Measures taken to protect the site from tidal intrusion and storm events, and protocols for if an overtopping event occurs during construction;</p> <p>(q) Consideration of fish passage in locations as outlined in Condition EM.12; and</p> <p>(r) Detailing the type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.9.</p>
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <ul style="list-style-type: none"> (a) Landscape and Urban Design Plan (refer to Conditions LV.1 to LV.7); (b) Beach Nourishment Plan (refer to Conditions EM.13 to EM.14); (c) Little Penguin Management Plan (refer to Conditions EM.2 to EM.5); and (d) Traffic Management Plan (refer to Conditions GC.11 to GC.13).

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	If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.																																																										
GC.9	All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained throughout the entire period of the Construction Works.																																																										
GC.10	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.																																																										
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GC.11	The Consent Holder shall prepare a TMP to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.																																																										
GC.12	The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.																																																										
GC.13	<p>The TMP shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety, minimise delays to road users (especially during peak times), minimise disruption to property access and methods to keep the public informed about potential impacts on Marine Drive; (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). 																																																										
<i>Construction Noise</i>																																																											
GC.14	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply, as far as practicable, with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L_{Aeq(15min)}</th> <th>L_{AFmax}</th> </tr> </thead> <tbody> <tr> <td colspan="4">Residential buildings</td> </tr> <tr> <td rowspan="4">Sundays to Thursdays</td> <td>0630h - 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>65 dB</td> <td>80 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>60 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Fridays</td> <td>0630h - 0730h</td> <td>60 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Saturdays and Public Holidays</td> <td>0630h - 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h - 1800h</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h - 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h - 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td colspan="4">Commercial and industrial receivers</td> </tr> <tr> <td rowspan="2">All</td> <td>0730h – 1800h</td> <td>70dB</td> <td></td> </tr> <tr> <td>1800h – 0730h</td> <td>75 dB</td> <td></td> </tr> </tbody> </table>	Day	Time	L _{Aeq(15min)}	L _{AFmax}	Residential buildings				Sundays to Thursdays	0630h - 0730h	55 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	65 dB	80 dB	2000h - 0630h	60 dB	75 dB	Fridays	0630h - 0730h	60 dB	75 dB	0730h - 1800h	70 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Saturdays and Public Holidays	0630h - 0730h	45 dB	75 dB	0730h - 1800h	55 dB	85 dB	1800h - 2000h	45 dB	75 dB	2000h - 0630h	45 dB	75 dB	Commercial and industrial receivers				All	0730h – 1800h	70dB		1800h – 0730h	75 dB	
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<i>CentrePort access</i>	
GC.15	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.
<i>Completion of Construction</i>	
GC.16	After Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.
GC.17	The Consent Holder shall ensure that on Completion of Construction the site is left in a tidy manner, including all litter associated with the works being removed.
GC.18	The Consent Holder shall maintain the site in good order and shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works, in consultation with a suitably qualified ecologist.
<i>Incidents - General</i>	
GC.19	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.
GC.20	The record shall include: <ul style="list-style-type: none"> (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; and (e) Measures put in place to prevent the incident from reoccurring.
GC.21	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
GC.22	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any such incident.
GC.23	The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall include the matters listed in Condition GC.20. <i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i>
<i>Complaints Management</i>	
GC.24	The Consent Holder shall maintain a complaint register that includes: <ul style="list-style-type: none"> (a) The details of each complaint; (b) Actions taken to investigate the complaint (if any); (c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint;

Ref	Condition
	<p>(d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and</p> <p>(e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints.</p> <p><i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i></p>
GC.25	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation, on request.
<i>Consent Lapse</i>	
GC.26	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of the commencement of these consents (in accordance with section 116 of the RMA).
<i>Review of conditions</i>	
GC.27	<p>Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order:</p> <p>(a) 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</p> <p>(b) To deal with any other adverse effect on the environment on which the exercise of the consent may have an influence.</p>

Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	<p>At least 30 working days prior to the Commencement of Construction, the Consent Holder shall submit to the Manager, Environmental Regulation for certification using the process in Condition GC.5 the following documentation prepared in general accordance with the documents listed in Conditions GC.1 and GC.2(a):</p> <p>(a) Detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone); and</p> <p>(b) Specifications for the works authorised by these consents.</p> <p>The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.</p>
C.2	<p>The engineering plans and specifications submitted under Condition C.1 shall cover the following matters:</p> <p>(a) Shared path;</p> <p>(b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall;</p> <p>(c) Revetment, including the reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock where possible, without compromising structural integrity, along with the drilling of rock pools into the hard revetment rock of intertidal areas. The design of the revetments should look at all options to reduce the revetment footprint without compromising on structural integrity of the seawall, overtopping protection, or coastal processes;</p> <p>(d) Access steps, ramps, bus stops; and</p> <p>(e) Beach nourishment.</p>
C.3	<p>The Consent Holder shall comply with the engineering plans and specifications approved under Condition C.1.</p>
<i>Occupation of the CMA</i>	
C.4	<p>The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications listed in Condition GC.1.</p>
C.5	<p>The right to permanently occupy part of the coastal marine area is limited to the areas and structures identified in the plans and specifications listed in Condition GC.1.</p>
<i>Erosion and sediment control</i>	
C.6	<p>Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below and the certified CEMP.</p> <p>Within the CMA measures may include, but not be limited to, the following considerations:</p> <p>(a) Not exposing non-native backfill material to the sea.</p> <p>(b) Use of weight-bearing mats on the foreshore substrate.</p> <p>(c) Methods for isolating and containing the construction area including:</p> <p>(i) Bunding/shuttering in a predominantly gravel/sand beach zone; and</p>

Ref	Condition
	<p>(ii) Alternative sediment control devices, such as geotextile containers or tubes filled with locally sourced sand, in rocky shore habitats or where the seawall works occur close to the mid tide mark.</p> <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate, for example if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
<i>Contaminant Release</i>	
C.7	The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA. Such measures shall be included in the CEMP.
<i>Reclamation</i>	
C.8	<p>The total reclamation area for the Project is limited to the areas and structures identified in the plans and specifications listed in Condition GC.1, but shall not exceed 500m².</p> <p><i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i></p>
C.9	Imported fill material to be used in the reclamations shall be restricted to clean natural sand, gravels and rock.
C.10	The Consent Holder shall maintain a log recording the source of the materials imported onto each reclamation on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.
<i>As-Built Certification</i>	
C.11	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, if relevant, 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.
<i>Maintenance of Structures</i>	
C.12	The structures permitted to occupy part of the CMA by this consent shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents.

Ecological Management (EM)

Ref	Condition
<i>Little Penguins and Shoreline Foragers</i>	
EM.1	<p>In order to avoid, mitigate, offset and compensate adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Comply with Condition EM.1A; (b) As set out in Condition LV.4(c), incorporate relevant detailed design elements within the LUDP as recommended in the LPMP in Condition EM.5; (c) Undertake design and construction in accordance with the LPMP in Condition EM.5; (d) Manage rubbish and waste in accordance with the CEMP in Condition GC.7; (e) Provide funding through Condition EM.1B that is available from the commencement of consent for pest management along the Eastern Bays coastal margin from Seaview to Pencarrow Head, including in any Little Penguin breeding areas in (f), up to a maximum of \$40,000 including GST over 10 years; and (f) Provide funding through Condition EM.1B of up to \$60,000 including GST towards establishing on the Eastern Bays between Seaview and Pencarrow Head, within 36 months of the commencement of the consents, Little Penguin breeding area(s) to be identified by the Consent Holder in consultation with the Little Penguin Interest Group.
EM.1A	<p>Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active burrows or nests identified in Condition EM.5(a)(i).</p>
EM.1B	<ul style="list-style-type: none"> (a) The Consent Holder must, within 20 working days of the commencement of consent, allocate a one-off payment of \$100,000 including GST to establish a Little Penguin and Shoreline Forager Enhancement Fund to be managed by Hutt City Council, and inform the Manager, Environmental Regulation; (b) The Fund applies throughout the Eastern Bays coastal margin from Seaview to Pencarrow Head (Fund area) for the purpose of enhancing the natural habitat of Little Penguins and Shoreline Foragers; (c) The Fund must be allocated as follows: <ul style="list-style-type: none"> (i) a maximum of \$40,000 including GST shall be available over 10 years for pest management throughout the Fund area, and any areas established in (ii); (ii) a maximum of \$60,000 including GST shall be put towards establishing, within 36 months of the commencement of consent, Little Penguin breeding area(s) within the Fund area, in consultation with the Little Penguin Interest Group. The Little Penguin breeding area(s) must be fenced to exclude dogs and the public, contain vegetative cover as appropriate to the setting, and be signposted; and (iii) any money up to the maximum not spent under (i) or (ii) shall be used to enhance Little Penguin and Shoreline Forager habitat opportunities through detailed design in the LUDP as set out in Condition LV.4(c); (d) The following parties may apply to the Consent Holder for funding under (c)(i) or (ii): <ul style="list-style-type: none"> (i) members of the Little Penguin Interest Group; (ii) mana whenua; (iii) the Consent Holder; (iv) community groups; (v) landowners; and (vi) individuals; (e) Each application in (d) must set out the amount of money applied for and how the proposed activities will meet the purpose of the Fund; and

Ref	Condition
	(f) The consent holder must, within 20 working days of receipt under (d), provide the applicant with notice as to whether funding has been approved or declined, including reasons, and provide a copy to the Manager, Environmental Regulation. Similar applications may be grouped and responded to at the Consent Holder's discretion.
<i>Little Penguin Management Plan</i>	
EM.2	The Consent Holder shall prepare a LPMP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3	The purpose of the LPMP shall be to as far as reasonably practicable avoid, but otherwise mitigate, remedy, offset or compensate, adverse effects on the Little Penguin population established in and adjacent to the existing revetment, during design and Construction Works.
EM.4	The LPMP shall be prepared by a suitably qualified person in consultation with the Little Penguin Interest Group.
EM.5	<p>The LPMP shall address the following matters:</p> <p>(a) Measures to minimise adverse effects on the Little Penguin population during construction, including that:</p> <ul style="list-style-type: none"> (i) Two Little Penguin detection dog surveys, or a detection method approved by a Little Penguin expert appointed by the Consent Holder, must be undertaken in January prior to the Commencement of Construction in each bay. The purpose is to identify active Little Penguin burrows and nests within the construction area of each bay. No Construction Works shall occur in an area not surveyed in accordance with this provision; and (ii) The GPS coordinates for all active burrows and nests identified in (i) must be recorded; <p>(b) A protocol for enabling Little Penguins active burrows and nests identified under (a) within the construction area of each bay to be relocated to a site outside of the construction area between 1 February and 30 June. The protocol will include measures to ensure that the formerly active burrows and nests will not be reoccupied so that Constructions Works can proceed. The protocol will be prepared by a Little Penguin expert appointed by the Consent Holder;</p> <p>(c) A programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of burrows and nests to determine whether any reasonably practicable steps can be undertaken by the Consent Holder to further reduce adverse effects;</p> <p>(d) Staff and contractor training;</p> <p>(e) Identification of specific areas where Little Penguin and dog control signage would be beneficial to reduce the risks of adverse effects on Little Penguins; and</p> <p>(f) Opportunities to enhance Little Penguin habitat through detailed design, including:</p> <ul style="list-style-type: none"> (i) Potential seawall design opportunities to restrict road access for Little Penguins through penguin passage elements; and (ii) Potential rock rip rap design opportunities to include key holes for Little Penguin nests. <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
EM.6	Any outcomes from monitoring under Condition EM.5(c) shall be applied, as appropriate, to future Construction Works by revising the LPMP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion.

Ref	Condition
<i>Shoreline Foragers</i>	
EM.7	Prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified and experienced person to undertake a shoreline forager nesting survey within the relevant construction area.
EM.8	<p>If any nesting shoreline foragers are identified under Condition EM.7, the suitably qualified and experienced person must:</p> <ul style="list-style-type: none"> (a) Advise the Consent Holder on the management of continued Construction Works within the immediate location of the nest(s); and (b) Make recommendations to the Consent Holder on how to appropriately mitigate any adverse effects of the continued Construction Works on the nesting shoreline foragers.
EM.9	The Consent Holder shall provide the management responses recommended under Condition EM.8(b) and an explanation of how these have been implemented (or if not why not) to the Manager, Environmental Regulation, Wellington Regional Council and the local ranger of the Department of Conservation.
<i>Intertidal and subtidal ecology</i>	
EM.10	For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area. Initial training and guidance by a qualified ecologist will be required.
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner, and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone, then undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA, in accordance with the requirements of the certified CEMP; (b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the Completion of Works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location; and (c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to: <ul style="list-style-type: none"> (i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics; (ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works commence, immediately after works have been completed and 1 year after the completion of the beach nourishment works; (iii) The results of the monitoring in (i) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion; and (iv) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects.

Ref	Condition
<i>Fish Passage</i>	
EM.12	<p>At the key outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Ensure that fish passage is improved or maintained at the existing level; and (b) Involve a qualified freshwater ecologist in the design of culvert extensions, alterations, and any specific fish passage features.
<i>Beach Nourishment Plan</i>	
EM.13	<p>The Consent Holder shall prepare a BNP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the Plans in Appendix 1 to these conditions. The maximum volume of material that may be deposited is 6,000m³, to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.</p>
EM.14	<p>The BNP shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) The design conditions at the time of the beach nourishment and for the beach nourishment to achieve after 2 years; (b) The name and location of the sediment source; (c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values; (d) A specification of the borrow material including: <ul style="list-style-type: none"> (i) Ensuring no more than 2% of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement; (e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures: <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments, that will maintain the existing profile without spreading onto seagrass beds; (iii) Excluding fine sediments from beach nourishment sediments; (iv) Only undertaking beach nourishment in the winter months between June and August; (v) Forming the high tide construction beach with a slightly over-steepened profile; (vi) Only depositing as much sediment on the bench as can be transferred along the placement area in the day of placement; (vii) Only transferring and shaping the beach profile during lower tide levels in calm conditions, and such that the formed toe does not extend much beyond mean low water springs; (viii) Minimising the working area and mobilization of sediment; (ix) Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment; (x) Avoiding the placement of beach nourishment materials no further south than the centerline of Gill Road at the southern end of Lowry Bay; (xi) Forming and shaping a steeper profile within the existing beach footprint; and

Ref	Condition
	<p>(f) Placing imported beach sediment along the entire designated placement area rather than in one discrete location;</p> <p>(g) Minimising the potential to block stream outlets with fish passage during beach nourishment by:</p> <ul style="list-style-type: none"> (i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE; (ii) Avoiding initial placement of sediment from within 20 m of existing outlets; and (iii) Monitoring of stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand block the outlets.
<i>Monitoring – Beach Nourishment</i>	
EM.15	<p>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.</p> <p>The surveying shall commence prior to the Commencement of Construction in each bay in Condition EM.13, and continue for 2 years after Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This survey information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
EM.16	<p>The surveys should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.</p>
EM.17	<p>If beach nourishment monitoring results in Condition EM.15 show that design conditions in the BNP have not been met, the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake maintenance of the revetments.</p> <p>Only one 'top up' event may occur at each location. If a top up is required it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment shall, if possible, be undertaken at the same time.</p> <p>The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of the beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.14(e) applies to any beach nourishment 'top up'.</p>
EM.18	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p> <p>If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under EM.17 will be designed by the Consent Holder to appropriately mitigate, offset or compensate those significant adverse effects on benthic intertidal and subtidal biota.</p>

Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5. The Consent Holder shall provide the LUDP for certification within 3 months of the commencement of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	<p>The purpose of the LUDP is to:</p> <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid, remedy and mitigate adverse effects on natural character, ecology, landscape and recreational amenity during the construction of the Project.
LV.3	<p>The LUDP shall be prepared by the Consent Holder, with input from an ecologist, engineer, landscape architect, recreation specialist, traffic engineer and urban designer, and in consultation with:</p> <ul style="list-style-type: none"> (a) Wellington Tenth Trust; (b) Port Nicholson Block Settlement Trust; (c) Relevant Resident Associations; (d) Hutt City Council (Parks and Reserves); and (e) Eastbourne Community Board.
LV.4	<p>The LUDP shall, as a minimum, address how the detailed design of the Project:</p> <ul style="list-style-type: none"> (a) Achieves design outcomes based on the following general hierarchy of environmental effects: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) Responds to conflicts between any of the matters listed above, including in relation to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay; (c) Responds to any relevant design elements recommended in the LPMP in Condition EM.5 while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); and (ii) Relevant Industry Standards.

Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include BSUDPs for each bay within the Project area, which address design details within that location for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters, including those listed in Condition LV.7, as relevant to the particular bay.</p> <p>The BSUDPs may either be attached to the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) A draft design protocol that sets out the priorities for the bay design in terms of engineering and safety requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. The protocol shall be provided to the Relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments, if any, within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to provide to the Manager, Environmental Regulation within 20 working days from receipt of the comments; and</p> <p>(b) The final BSUDPs.</p>
LV.7	<p>The BSUDPs shall, include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types, including incorporating textures to the curved surfaces and depressions to the flat platforms of the curved seawalls, the drilling of rock pools into the hard revetment rock of the mid-low tide zone, the reuse of larger colonised rock material, and the location of purpose-made rock pool features where appropriate, and without compromising structural integrity, to provide suitable habitat for intertidal biota, with these features designed in consultation with a qualified ecologist;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing;</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) Penguin related structures including penguin passage elements, ramps and nests;</p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities; and</p> <p>(k) Signage and storyboards.</p>

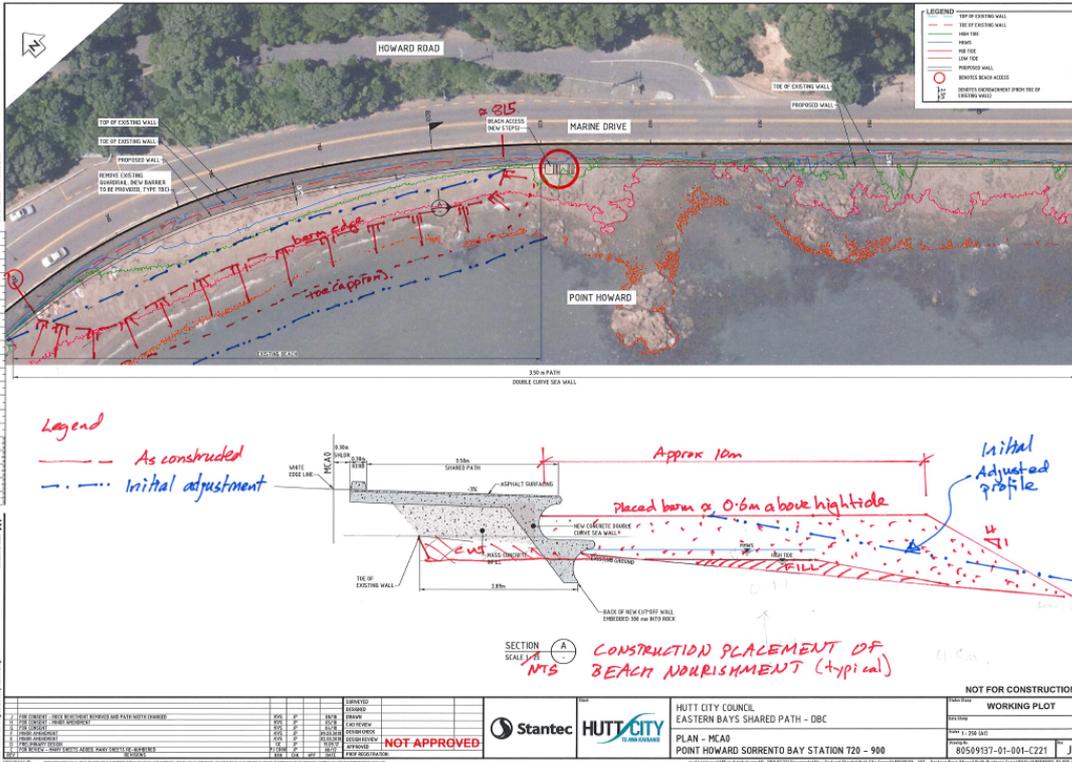
Archaeological Protocols (AP)

Ref	Condition
<i>Discovery of Archaeological Features or Deposits</i>	
AP.1	<p>If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:</p> <ul style="list-style-type: none"> (a) 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 Heritage New Zealand Pouhere Taonga Act 2014. (b) 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. (c) HNZPT will be informed of the discovery and, if the site cannot be avoided, an application for an archaeological authority to modify or destroy the archaeological site will be made (this is a legal requirement). (d) If the archaeological site relates to Māori occupation, Taranaki Whānui must be consulted. (e) No work can be carried out that will affect the site until the archaeological authority has commenced. (f) Any conditions attached to the archaeological authority must be complied with.
<i>Discovery of Taonga</i>	
AP.2	<p>Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu 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 Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>If taonga are discovered the following procedure will apply to the taonga itself:</p> <ul style="list-style-type: none"> (a) The area of the immediate site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage. (b) The archaeologist will then inform HNZPT and the nominated Taranaki Whānui representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined. (c) Work may resume when advised by HNZPT or the archaeologist. (d) 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. (e) The Ministry for Culture and Heritage, in consultation with Taranaki Whānui, will decide on custodianship of the taonga.
<i>Tangata Whenua Contacts</i>	
AP.3	<p>The contact details for Taranaki Whānui are as follows:</p> <ul style="list-style-type: none"> (a) Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: +64 27 459 9050 PO Box 12164, Thorndon, Wellington 6144 (b) Wellington Tenths Trust (Wellington) – Morrie Love telephone: +64 27 454 0148 PO Box 25499, Wellington Level 2, Te Raukura, Taranaki Street Wharf, 15 Jervois Quay, Wellington

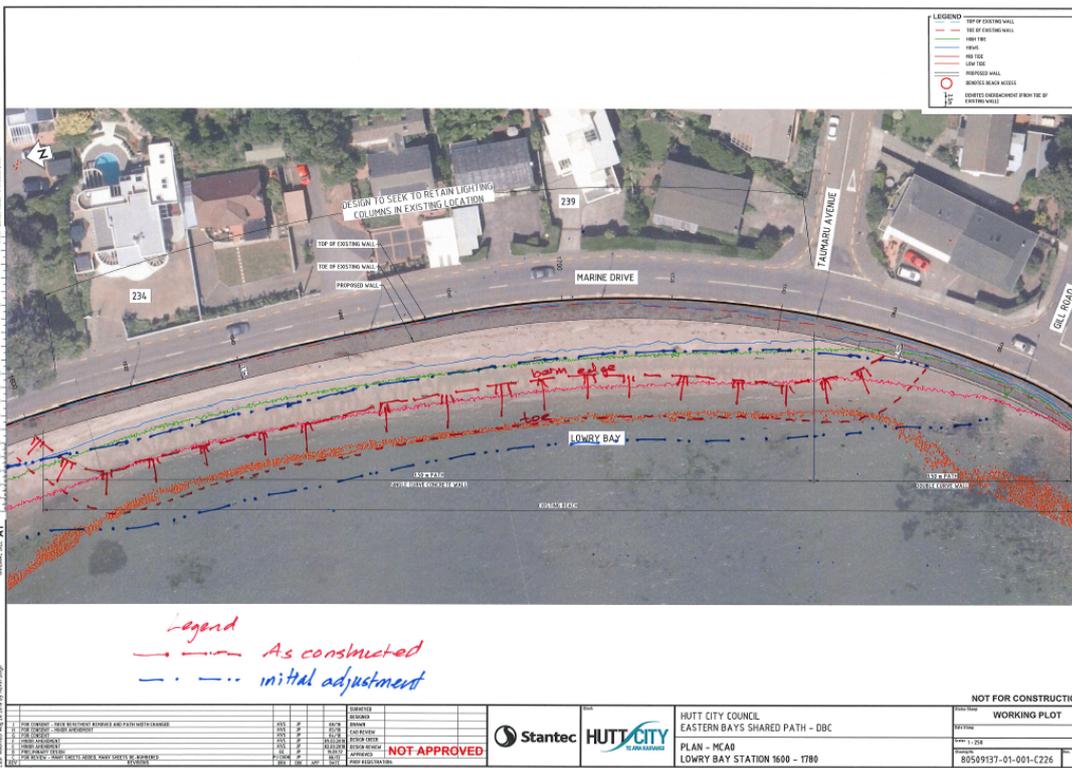
APPENDIX 1: BEACH NOURISHMENT PLANS

[Note: Draft plans are included below. These will be replaced with final plans (once these have been prepared).]

Beach Nourishment – Point Howard



Beach Nourishment – Lowry Bay



Beach Nourishment – York Bay

