

Underline and ~~strike through~~ are all changes proposed by Auckland Transport based on Auckland Council's section 92 RFI.

Proposed Conditions for EB3C Resource Consents

GLOSSARY

Acronym	Full Term
AUP(OP)	Auckland Unitary Plan (Operative in Part)
ChTMP	Chemical Treatment Management Plan
CEMP	Construction Environmental Management Plan
CLMP	Contaminated Land Management Plan
CMA	Coastal Marine Area
CWMP	Coastal Works Management Plan
ESCP	Erosion and Sediment Control Plan
HHMP	Historic Heritage Management Plan
HRP	Habitat Restoration Plan
LEAM Plan(s)	Landscape, Ecology and Arboricultural Management Plan(s)
LMP	Lizard Management Plan
NFCRP	Native Fish Capture and Relocation Plan
SCR	Site Completion Report
SQEP	Suitably Qualified and Experienced Practitioner
SSESCP	Site Specific Erosion and Sediment Control Plan
GD05	Auckland Council's Guideline Document 2016/005 <i>Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region</i> (GD05), incorporating any amendments

General Accordance – All Resource Consents

1. Except as modified by the conditions below, the activity must be carried out in general accordance with the plans and information submitted with the application, as detailed in Tables 1 and 2.

Table 1: Application Documents

Document Title	Author	Revision	Date

Table 2: Drawings

Drawing Title	Designer	Revision	Date

Where there may be an inconsistency between the documents listed in Condition 1 above and the requirements of the following conditions, the following conditions prevail.

2. The Landscape, Ecological and Arboricultural Mitigation (LEAM) Plans listed in Condition 1 may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of consent. Any amendments are to be agreed by the Council in writing prior to implementation of any changes.

Advice Note: *Where amendments to the LEAM plans are not within scope of the plans listed in Condition 1, the Consent Holder will be required to make an alteration to the relevant consent conditions.*

Monitoring– All Resource Consents

3. The Consent Holder must pay the Council an initial consent compliance monitoring charge of \$X (GST inclusive) plus any further monitoring charge(s) to recover the actual and reasonable costs incurred to ensure compliance with the conditions of these consents.

Site Access

4. Subject to compliance with the Consent Holder’s health and safety requirements and provision of reasonable notice, servants or agents of Council are permitted to have access to relevant parts of the construction site(s) at reasonable times for the purpose of carrying out inspections, surveys, investigations and/or to take samples.

Lapse Date - All Resource Consents

5. Under section 125 of the RMA, these consents will lapse 5 (five) years after the date they commence unless:
 - a) These consents are given effect to; or
 - b) On application, the Council determines to extend the period after which the consent will lapse.

Expiry Dates - All Resource Consents

6. Resource consent LUCX (earthworks) expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.
7. Resource consent WATX expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.
8. The duration to occupy watercourses with stormwater culverts MCC_108481, MCC_108482, MCC_496129 and MCC_988531 (WATX) expires on [day/month/2058] (35 years) unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.
9. Resource consent DISX (contamination) expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.
10. The duration to occupy the Coastal Marine Area with Bridge A, Bridge B, stormwater infrastructure structures and use of these structures (CSTX), expires on [day/month/2058] (35 years) unless it has lapsed, surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.
11. Resource consent CSTX expires five (5) years from the date of issue unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Management Plan Certification - All Resource Consents

Advice Note: *Condition 12 applies to all Management Plans*

12. The following general provisions relate to all Management Plans:
 - a) Management Plans must be submitted to the Council for certification or written approval (as determined by the relevant conditions) as follows:
 - i. At least forty (40) working days prior to the start of works, the Consent Holder must provide Council with a schedule detailing the timing of all relevant Management Plans that will be provided to the Council for certification or written approval. The schedule must be updated and provided to Council prior to any new stage;
 - ii. Management Plans must be submitted at least twenty (20) working days prior to the Commencement of Construction (excluding enabling works, site clearance, site investigations, relocation of services and establishment of site entrances and temporary construction fencing).
 - b) Any certified Management Plan may be amended, if necessary, to reflect any minor changes in design, construction materials, methods or management of effects to align with the conditions of designation. Any amendments are to be agreed by the Council in writing prior to implementation of any changes. Re-certification is not required in accordance with Condition 12 if the Council confirms those amendments are within

- scope and any changes to the draft Management Plans are clearly identified;
- c) Any amendments to a certified Management Plan other than minor amendments or editing changes must be submitted to the Council to certify these amendments are consistent with the relevant designation condition(s) prior to implementation of any changes. Any change to the management approach must be consistent with the purpose of the relevant Management Plan and the requirements of the relevant conditions of the designation. Where a Management Plan was prepared in consultation with interested or affected parties, any changes to that Plan other than minor amendments or editing changes must be prepared in consultation with those same parties;
 - d) Management Plans may be submitted in parts or stages to address activities or to reflect the staged implementation of the Project, and when provided in part or for a stage must be submitted at least twenty (20) working days prior to Commencement of Construction of that part of stage unless otherwise specified in the conditions. If submitted in part, Management Plans must clearly show the linkage with the Management Plans for adjacent stages and interrelated activities; and
 - e) All works must be carried out in accordance with the approved Management Plans. Works must not commence until written approval or certification of all the relevant Management Plans for that stage have been received unless otherwise approved in writing by the Council.

Earthworks (LUCX)

13. Prior to the commencement of earthworks the Consent Holder must submit an Erosion and Sediment Control Plan (ESCP) and Chemical Treatment Management Plan (ChTMP) to Council for certification in accordance with Condition 12. The purpose of the ESCP is to provide overarching principles and procedures to manage the environmental impacts associated with erosion and sediment control (ESC) during construction of the Eastern Busway Project (Package EB3C).
14. Prior to the commencement of earthworks within a given area or stage, a Site-Specific Erosion and Sediment Control Plan (SSESCP) must be prepared in accordance with Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Guideline Document 2016/005 ("GD05") and submitted to Council for certification in accordance with Condition 12 . Earthworks activity within the specific area or stage must not commence until the Council has certified that the SSESCP satisfactorily meets the requirements of GD05.

The SSESCPs must contain sufficient detail to address the following matters, where applicable:

- a) Contour information (existing and post-earthworks);
- b) Identify the location of any permanent and intermittent streams or inland wetlands within 10m of the proposed earthworks;
- c) Erosion and sediment control measures for the works being undertaken within a particular construction area, including confirmation of (where applicable) decanting earth bund design to meet outcomes of GD05, or a relevant higher standard as referred to through the conditions below;

- d) Chemical treatment design and details, including bench testing results and confirmation of rainfall activated methodology were possible;
 - e) Confirmation of/updates to Dewatering Procedures to be used (where applicable) to meet Condition 23;
 - f) Catchment boundaries of works and devices installed;
 - g) Location of the work;
 - h) Details of construction methods;
 - i) Design criteria, typical and site-specific details of erosion and sediment control;
 - j) Design details for managing the treatment, disposal and/or discharge of contaminants (e.g. concrete wash water);
 - k) Monitoring and maintenance requirements;
 - l) Details of stabilisation measures; and
 - m) Details of measures to isolate and protect active work areas below Mean Highwater Spring
 - n) Management practices specific to works within riparian margins:
 - i. Plan showing the length of stream works required and to demonstrate stream works will be minimised to the length required to install the structure;
 - ii. Management of contaminants to water (e.g., hydrocarbons, construction materials);
 - iii. Methodology for diverting upstream flows during the streamworks, including how sufficient flow will be maintained at all times below the site of the works to maintain in-stream biota;
 - iv. A detailed methodology for the installation of the structures and
 - v. Details of final streambed remediation or stabilisation upon completion of stream works.
15. The erosion and sediment control measures must be constructed and maintained in general accordance with the Council's GD05 and any amendments to that document, except where a higher standard is detailed in the documents listed in these consent conditions, in which case the higher standard is to apply.
16. Within 10 (ten) working days following implementation and completion of the specific erosion and sediment control works referred to in a SSES CP required by Condition 14, and prior to the commencement of earthworks activity within the subject area or stage referred to in the SSES CP, a suitably qualified and experienced person must provide written certification that the erosion and sediment controls have been constructed and completed in accordance with the SSES CP for that particular area of stage, the ESCP, GD05 and any higher standard referred to through the conditions below.

Certified controls must include the decanting earth bunds, any other impoundment device, dewatering devices, clean and dirty water diversions, silt fences, and stabilised construction entranceways. Information supplied, if applicable, must include:

- a) Details on the contributing catchment area;
- b) Size of structure;
- c) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);
- d) Dimensions and shape of structure;

- e) Position of inlets/outlets; and
- f) Stabilisation of the structure.

Advice Note: *Suitable documentation for certification of erosion and sediment control devices, can be obtained in Appendix C of Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 2 (GD05): Erosion and Sediment Control construction quality checklists.*

17. Prior to the commencement of consented earthworks for EB3C, the Consent Holder must hold a pre-start meeting that:
 - a) Is located on the subject site;
 - b) Is scheduled not less than 5 (five) days before the anticipated commencement of earthworks;
 - c) Includes representation from Auckland Council's Compliance Monitoring Team; and
 - d) Includes representation from the contractors who will undertake the works.
 - e) The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the meeting.
18. The Consent Holder must ensure that the erosion and sediment control measures, management plans, the earthworks methodology, streamworks methodology and monitoring regime are discussed at the pre-start meeting. The Consent Holder must also ensure all relevant parties are aware and familiar with the necessary conditions of these consents.
19. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required in Conditions 14 to 16 must be maintained throughout the duration / each stage of earthworks activity, or until the site is permanently stabilised against erosion.
20. All perimeter controls must be operational before earthworks commence. All 'clean water' runoff from stabilised surfaces including catchment areas above the site itself must be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.
21. Unless otherwise agreed through a SSESCP, all Decanting Earth Bunds utilised during earthworks must be designed and constructed in accordance with GD05, including having a 3:1 length to width ratio (and no greater than 5:1).
22. The decanting earth bunds and any other authorised impoundment device utilised as part of the earthworks must be chemically treated in accordance with the approved Chemical Treatment Management Plan (ChTMP) required by Condition 13 and the current certified chemical treatment details.
23. All dewatering from the construction of the Eastern Busway Project (Package EB3C) must be undertaken in accordance with the Dewatering Procedures listed in the ESCP required by Condition 14 and any updates to this plan certified by the SSECPs. All related discharges must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.

24. Prior to the removal of any erosion and sediment control device required as a condition of resource consent, written certification must be provided to the Council by a suitably qualified and experienced person to confirm that all areas of bare earth have been permanently stabilised against erosion in accordance with GD05 and can be directed to a Clean Water Diversion.

25. The Consent Holder must take all practical measures to prevent deposition of soil on roads and footpaths outside the works area of Eastern Busway Project (Package EB3C). In the event that deposition of earth, mud, dirt or other debris on any road or footpath outside the works area resulting from earthworks activity on the project area occurs, it must be removed immediately. Roads and/or footpaths must not be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses and/or receiving waters.

Advice Note: *The following methods may be adopted to prevent or address discharges should they occur:*

- a) Provision of a stabilised entry and exit(s) point for vehicles;*
- b) Provision of wheel wash facilities;*
- c) Ceasing vehicle movements until materials are removed;*
- d) Cleaning road surfaces using street-sweepers;*
- e) Silt and sediment traps; and*
- f) Catchpits.*

In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Council for more details. Alternatively, please refer to GD05.

26. The site must be progressively stabilised against erosion at all stages of the earthworks and streamworks activities and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the approved ESCP.

27. Immediately upon completion or abandonment of earthworks, all areas of bare earth must be permanently stabilised against erosion as defined by GD05.

28. The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record must be maintained of the date, time and any maintenance undertaken in association with this condition which is to be forwarded to the Council on request.

29. EB3C related earthworks and streamworks must not be undertaken between 01 May and 30 September in any year, without the submission of a 'Request for winter works' for approval to Council. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from Council. All winter works will be re-assessed

monthly or as required to ensure that adverse effects are not occurring in the receiving environment and approval may be revoked by Council upon written notice to the Consent Holder.

Dust Management and Monitoring (LUCX)

30. Discharges of dust must not cause offensive or objectionable effects at any location beyond the boundary of the Site, in the opinion of an enforcement officer when assessed in accordance with the “Good Practice Guide for Assessing and Managing Dust” (Ministry for the Environment, 2016).

The Consent Holder must ensure that dust management during the works generally complies with the recommendations of this Good Practice Guide and minimises dust generation as far as practicable. This includes having sufficient water to dampen exposed soil and unsealed areas, and/or other dust suppressing measures detailed by the ESCP, available as necessary.

Advice Note: *In assessing whether the effects are offensive or objectionable, the following factors will form important considerations:*

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The offensiveness of the discharge, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

Advice Note: *It is recommended that potential measures as discussed with the council’s monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Compliance Monitoring South at monitoring@aucklandcouncil.govt.nz for more details. Alternatively, please refer to the Ministry for the Environment publication “Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions.”*

31. The Consent Holder must undertake targeted community monitoring during all land disturbance activities for the Eastern Busway Project (Package EB3C). This monitoring must include:
- a) Visual monitoring, such as:
 - i. Regular checking of internal and external access road surfaces for tracked dust that requires cleaning;
 - ii. Checking the effectiveness and maintenance of truck rumble grids and wheel wash;
 - iii. Checking the integrity of shelter fences;
 - iv. Inspecting surfaces outside the site boundary near sensitive receptors for signs of dust deposition;
 - v. Observing whether there is visible dust suspended in air carrying beyond construction site boundary; and
 - vi. Using closed-circuit television (CCTV) monitoring (or similar, potentially connected to the boundary instrumental monitoring to start video recording when alert thresholds are exceeded) of boundaries and/or dust sources.

- b) Fenceline instrumental monitoring at the northeast boundary of the main construction zones, such as with Dustrak or SiteHive.

32. In order to undertake the above detailed monitoring in Condition 31, the Consent Holder must undertake the following:

- a) Place monitoring equipment downwind of the construction areas under the prevailing wind direction, to the northeast of any construction compounds or construction activities involving earthworks or fill activities with heightened risk of dust emissions;
- b) Move monitoring equipment as the construction programme progresses and the locations of dust-generating activities changes;
- c) Regularly review monitoring data to assess the effectiveness of dust controls and identify any additional mitigation required; and
- d) Ensure the monitor equipment has the capability to send alarms to site managers if dust concentration thresholds are exceeded. These thresholds are to be adjusted and determined on a site-specific basis depending on the sensitivity of the immediate receiving environment.

Advice Note: *The air quality monitoring required by Conditions 31 and 32 may be incorporated by the Consent Holder in the ESCP (Condition 13)*

Vegetation Clearance (LUCX)

33. Prior to the commencement of any construction activity within riparian and/or coastal margins, the Consent Holder must submit a Lizard Management Plan (LMP) as prepared by a suitably qualified expert herpetologist, to Council for certification in accordance with Condition 12 above.

The purpose of the LMP is to avoid, remedy or mitigate adverse effects on native lizards associated with vegetation and site clearance, as far as is reasonably practicable.

Advice Note: *A permit under the Wildlife Act 1953 will be required from the Department of Conservation to enable lizard salvage to occur.*

34. The LMP must address the following (as appropriate):

- a) Credentials and contact details of the ecologist/herpetologist who will implement the plan;
- b) Timing of the implementation of the LMP;
- c) A description of methodology for survey, salvaging and relocation of lizards rescued including but not limited to:
 - i. Salvage protocols;
 - ii. Relocation protocols (including method used to identify suitable relocation site(s));
 - iii. Diurnal capture protocols;
 - iv. Supervised habitat clearance/transfer protocols;
 - v. Artificial cover object protocols; and
 - vi. Opportunistic relocation protocols.
- d) A description of the relocation site(s) (refer also Condition 36) including discussion of:

- i. Provision for additional refugia, if required (e.g., depositing salvaged logs, wood or debris for newly released skinks that have been rescued);
 - ii. Any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc; and
 - iii. Any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
 - e) Monitoring methods and reporting, including but not limited to the following:
 - i. Ongoing surveys to evaluate translocation success pre- and post-translocation surveys for three (3) years;
 - ii. Monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control; and
 - iii. Annual report for three (3) years on translocation success with recommendations for adaptive management measures if required.
 - f) A post vegetation clearance for remaining lizards;
 - g) A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the LMP must certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works; and
 - h) Upon completion of works, all findings resulting from the implementation of the LMP must be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the Council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) which must be sent to Council.
35. Prior to the commencement of any construction activity within riparian and/or coastal margins, the Consent Holder must submit a Habitat Restoration Plan (HRP) to Council for certification in accordance with Condition 12.
36. The purpose of the HRP is to detail the site-specific lizard habitat restoration measures which addresses the impacts of the Eastern Busway Project (Package EB3C) on lizard habitat as identified within the 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment':
- a) The HRP must be developed to be consistent with the conditions of the LMP (Conditions 33 to 34) and must ensure that lizard relocation sites are complimentary with lizard habitat restoration areas.
 - b) The HRP must be consistent with the LEAM plans listed in Condition 1;
 - c) The HRP must include:
 - i. Identification of areas to be restored as lizard habitat to the quantum of 1.75 ha as identified in 'Eastern Busway EB3 Commercial and EB4 Link Road: Terrestrial and Freshwater Ecological Assessment';
 - ii. Detail of the restoration required at each site to replace and enhance lizard habitat, including the planting design (including vegetation to be retained) and supplementary refuges;
 - iii. All plantings must be demarcated and protected by fencing (where appropriate);
 - iv. A programme of establishment and post establishment protection and maintenance of plants (fertilising, weed removal/spraying, replacement of dead/poorly

performing plants, watering to maintain soil moisture, maintenance programme). All plantings must be maintained for a minimum of the 5 (five) years and a final compliance check after 10 (ten) years; and

- v. Details of the proposed plant species, plant sourcing (locally EcoSourced native pioneer species that are adapted to the Tāmaki Makaurau Auckland environment are preferred in the first instance), plant sizes at time of planting, plan of the planted area within the planting area required, density of planting, and timing of planting.

37. The HRP planting requirements must be implemented during the first planting season following the Eastern Busway Project (Package EB3C) being operational. If the weather in that planting season is unsuitable for planting, as determined by the Council, the landscaping must instead be implemented at the first practicable opportunity thereafter. The next practicable opportunity must be agreed to by the Council.
38. Vegetation must not be removed between 1 September and 28 February (bird nesting season) unless the matters below have been undertaken:
- a) A suitably qualified ecologist (the 'project ecologist') has completed a survey at least one week before any vegetation is to be cleared to ensure that there is no active native bird nesting occurring at the time; and
 - b) If any active nests of native birds are recorded within the vegetation scheduled for removal, vegetation clearance must not be undertaken until the birds have finished fledging. The project ecologist must monitor the birds until they have finished fledging and provide written confirmation to the clearance contractor when clearance may commence.

Streamworks (WATX)

39. Prior to the commencement of streamworks, a final construction methodology should be included within the relevant SSESCP required in accordance with Condition 14. Details to be provided should include, but should not be limited to timing, staging and sequencing of stream works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment. The related streamworks must be undertaken in accordance with the relevant SSESCP.
40. Any changes to an approved SSESCP must be submitted to the Council demonstrating that the changes to the management plan incorporates best practice methodologies for managing effects from the streamworks and that the adverse effects from the streamworks remain the same or less. Any changes to the approved plan must only be implemented once certified in writing by the Council.
41. Within ten (10) working days prior to commencement of works at each stream works site, a suitably qualified and experienced freshwater ecologist must undertake a survey to identify Fish Spawning Habitat within the area of stream works, including all areas within the extent of any dam and diversion required for stream work construction. The Fish Spawning Habitat must be identified on a

drawing of suitable scale and submitted to Auckland Council prior to commencement of works at each stream works site.

42. To protect downstream fish (inanga) spawning habitat, streamworks must not be undertaken within or downstream of any Fish Spawning Habitat areas, as identified in Condition 41 during the spawning season (March to June)).
43. Unless otherwise agreed in writing by the Council, the Consent Holder must complete the construction of the erosion and scour protection and associated streamworks activity to the stage of finalised re-vegetation and / or stabilisation of stream beds within a five (5) day period from the commencement of the activity.
44. The Consent Holder must ensure that all exposed work areas associated with the streamworks, including the bed and banks of the stream and any adjacent overland surface flow paths (for normal flows at the time of year the works are undertaken) are stabilised at the end of each construction day.
45. All water discharged from the streamworks site and associated sediment control devices during the streamworks operation must achieve a minimum of 100mm depth of clarity prior to discharge in accordance with GD05.
46. All pumps used to dewater the stream must have a 3mm mesh screen to prevent fish from entering the pump and be elevated to avoid pumping of sediments from the stream bed.
47. Machinery must not enter the wetted cross section of the bed of the stream at any time and machinery associated with the streamworks activity must be operated (including maintenance, lubrication and refuelling) in a way, which ensures no hazardous substances such as fuel, oil or similar contaminants are discharged. In the event that any discharge occurs, works must cease immediately, and the discharge must be mitigated and/or rectified.
48. The use of construction materials, such as concrete products or grout, must only occur outside the wetted cross section of the bed of the stream. Any mixing of construction materials must occur outside the 100-year floodplain and using methods so that if a spillage does occur it will be contained to avoid it entering the waterbody.
49. Any sediment or material excavated from the bed of the stream must be stockpiled outside the 100-year flood plain area, with appropriate erosion and sediment control measures in accordance with GD05.
50. Prior to any re-diversion of stream flows on the new erosion and scour protection, the stream bed and banks must be stabilised against erosion using best practice methods.

51. At least 10 (ten) working days prior to the commencement of works on outfalls MCC_108481, MCC_108482, MCC_496129 and MCC_988531, the Consent Holder must submit a Native Fish Capture and Relocation Plan (NFCRP) to Council for certification in accordance with Condition 12.
52. The purpose of the NFCRP is to safely capture and relocate native fish prior to the commencement of works on outfalls MCC_108481, MCC_108482, MCC_496129 and MCC_988531. The NFCRP must be prepared by a suitably qualified and experienced Freshwater Ecologist and must include:
- a) Details on timing of plan implementation;
 - b) Methodologies to capture native fish;
 - c) Details of the qualified ecologist to undertake the capture and relocation and to be present on-site during dewatering to rescue and relocate any remaining fish present;
 - d) Details of the relocation site(s) and confirmation on the habitat availability of the relocation site to support fish at the time of streamworks;
 - e) Storage and transport measures including, prevention of predation and death during capture; and
 - f) Euthanasia methods for diseased or pest species.
53. Native fish capture and relocation must be undertaken in accordance with the certified NFCRP and must only be undertaken by a suitably qualified and experienced freshwater ecologist. The freshwater ecologist must also be onsite during the dewatering process to ensure that any remaining native fish that are not caught during de-fishing are salvaged.
54. The Consent Holder must provide a Fish Salvage Report detailing the relocation site, the species and number of freshwater fauna relocated prior to and during dewatering, to the Council within 5 (five) days of completion of the native fish capture and relocation. These results must be uploaded into NIWA's New Zealand native freshwater fish database.

Contaminated Land (LUCX and DISX)

55. Prior to the commencement of earthworks ~~associated at or beside 242 Ti Rakau Drive and 386 Ti Rakau Drive~~, the Consent Holder must submit a Contaminated Land Management Plan (CLMP), as prepared by a suitably qualified expert practitioner (SQEP), to Council for certification in accordance with Condition 12 above.

The objective of the CLMP is to manage the potential environmental and human health risks associated with the disturbance of contaminated materials

56. The CLMP must contain the following:
- a) A summary of information and an overview of the proposed alignment construction methodology;
 - b) A summary of any soil sampling works undertaken;
 - c) The roles and responsibilities and contact details for the parties involved in the land disturbance activities, including the SQEP
 - d) Identify potential and known hazards arising from contamination (if present)
 - e) Identify specific management procedures developed for construction earthworks including:

- i. On-site soil management practices;
 - ii. Off-site soil transport and disposal;
 - iii. Erosion and sediment control;
 - iv. Management of dust and odour;
- f) Contingency measures in the event of accidental/unexpected discovery (asbestos, unknown fill, odours, staining etc.); and
- g) Post development controls (if required).

57. Discharges from disturbance of contaminated soil must be carried out in accordance with the Contaminated Land Management Plan (CLMP) listed in Condition 55 unless otherwise modified by the conditions below or in accordance with Condition 12 above.

58. All sampling and testing of contamination on the site must be overseen by the appropriately qualified and experienced contaminated land practitioner. All sampling is to be undertaken in accordance with the Contaminated Land Management Guidelines, No-5 - Site Investigation and Analysis of Soils, Ministry for the Environment, revised 2021.

59. The Council must be informed in writing about the commencement of the Eastern Busway Project (Package EB3C) works associated with the properties listed in Condition 55 at least 2 (two) working days prior to commencement.

Advice Note: *Discharge from the site includes the disposal of water (e.g. perched groundwater or collected surface water) from the remediation area.*

60. An appropriately qualified and experienced contaminated land specialist must be engaged to oversee the earthworks in areas of potential contamination.

61. Any soils and/or fill material identified as contaminated and requiring off-site disposal are to be loaded directly into trucks and covered during transportation off site in accordance with the CLMP. All soil removed from the land disturbance area must be deposited at a suitably certified facility.

62. All imported fill must comply with the definition of 'cleanfill', in accordance with '*Technical Guidelines for Disposal to Land Revision 3*', Waste Management Institute New Zealand (2022).

Advice Note: *Background levels for the Auckland region can be found in the Council's technical publication TP153 "Background concentrations of inorganic elements in soils from the Auckland Region" (2001).*

63. Within 3 (three) months of the completion of the soil disturbance activities within the Project area (Package EB3C), a Site Completion Report (SCR) must be provided to the Council.

64. The SCR must contain sufficient detail to address the following matters:

- a) A summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the CLMP;
- b) A summary of inspections and oversight completed by the SQEP;
- c) The location and dimensions of the excavations carried out, including a site plan;
- d) A summary of testing undertaken (if applicable) including tabulated analytical results;
- e) Records of any unexpected contamination encountered during the works and contingency measures undertaken (if applicable);
- f) Details of any validation soil sampling completed in areas of unexpected soil contamination and vicinity of fill material previously identified as exceeding the adopted soil acceptance criteria (if applicable);
- g) Copies of the disposal docket for the contaminated fill and 'cleanfill' material removed from the site;
- h) Copies of the SQEP site inspection documentation;
- i) Details regarding any complaints and/or breaches of the procedures set out in the certified CLMP, and how any incidents or complaints were addressed;
- j) Results of testing, if required, of any spoil disposed offsite;
- k) Results of testing of any imported fill material; and
- l) Identification of any areas which need on-going monitoring and management.

65. Where contaminants are identified that have not been anticipated by the application, the unexpected discovery procedures in the CLMP must be employed, including notifying the Council. Any unexpected contamination and contingency measures must be documented in the SCR.

Advice Notes: *Unexpected contamination may include contaminated soil, perched water or groundwater. The Consent Holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated by the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council as to whether carrying out any further work in the area of the unexpected contamination is within scope of this consent. If you are demolishing any building/structures that may have asbestos containing materials (ACM) in it:*

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*
- *Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.*
- *If ACM is found on site following the demolition or removal of the existing buildings/structure, you may be required to further remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance, a further consent application may be required.*

Coastal Works (CSTX and CSTX)

66. Prior to any works within the Coastal Marine Area (CMA) commencing, a final construction methodology must be included within the relevant SSESCP required in accordance with Conditions 14 and 15. Details to be provided must include, but should not be limited to timing, staging and sequencing of coastal works, and the erosion sediment control measures to be employed to mitigate the effects on the receiving environment.
67. Prior to the commencement of works within the Coastal Marine Area (CMA), the Consent Holder must submit a Coastal Works Management Plan (CWMP) to Council for certification in accordance with Conditions 12 above.
68. The objective of the CWMP is to set out methods to be undertaken to avoid, remedy or mitigate any adverse effects on the CMA associated with the construction of the Eastern Busway Project (Package EB3C) so far as is reasonably practicable.
69. The Consent Holder is required to carry out all coastal works for the Project (EB3C Package) in accordance with the CWMP listed in Condition 67, unless otherwise amended by the process in Condition 12.
70. The CWMP must include details of:
 - a) An outline of the construction programme of the work including construction hours;
 - b) Confirmation of the construction methodology, including:
 - i. Installation of temporary structures
 - ii. Details of the scour modelling undertaken and confirmation if scour protection is required around the piles of any bridge structures (and in particular, Ti Rakau Drive Bridge (Bridge A));
 - iii. Plans and a methodology for scour protection if modelling determines it is required;
 - iv. Plans (including dimensioned cross sections, elevations, and site plans) of any temporary structures in the CMA during the construction
 - v. The piling methodology for the bridge;
 - vi. A works methodology to upgrade existing and to construct any new stormwater outfalls;
 - vii. Methods to remedy any disturbance resulting from works;
 - viii. Methodology for removal of temporary piles associated with temporary access/support and any existing structures if required; and
 - ix. Methods for the removal and disposal of mangroves.
 - c) Site management, including details of:
 - i. Site access including methods to identify and delineate all entry and exit points to and from the CMA;
 - ii. Measures to maintain the construction site in good order;
 - iii. Measures for spill management;
 - iv. Measures for minimising discharges to and remobilisation of sediment in the CMA; and
 - v. Site clean-up and remediation following works completion including the replanting of mangroves.

- d) Marine and banded rail/moho pererū habitat restoration works as shown on the LEAM plans listed in Condition 1, including:
 - i. Removal of pest plants from within an area of 5,740m² within the coastal margins of Pakuranga Creek followed by-planting of native coastal edge vegetation that provide suitable habitat for banded rail to nest in, such as rushes and sedges (e.g. oioi (*Apodasmia similis*), sea rush (*Juncus kraussii* subsp. *australiensis*, *Carex secta*, *Carex geminata*, etc)) and coastal shrubs (e.g. saltmarsh ribbonwood (*Plagianthus divaricatus*);
 - ii. Removal of rubbish from the coastal environment of Pakuranga Creek (approximately 1,480m² of mangrove habitat and 5,740m² of coastal vegetation);
 - iii. Pest plant removal, native planting and rubbish removal described in this Condition 70(d)(i) and (ii) to occur annually for three years post-construction of Bridge A, Bridge B and related embankments;
 - iv. Following the completion of planting required by Condition 70(d), maintenance measures to occur for a period of three years.
- e) Coastal stabilization landscaping, as shown on the LEAM plans in Condition 1, including:
 - i. 300 m² for stormwater outfall structures (75 m² per each coastal outfall); and
 - ii. 70 m² for the temporary works associated with the retaining wall (RW304) supporting the reclamation.
- f) Coastal stabilization landscaping plantings of 32 m² for temporary bridge construction structures (temporary piles for Bridges A and B) once those structures' locations have been identified by the Consent Holder;
- g) The maintenance measures for coastal stabilization landscaping required by 70(e) and (f) for a period of five years post planting;
- h) Measures to minimise the overall quantum of seabed disturbance during construction; and
- i) Measures to minimise the overall quantum of vegetation, including mangroves, that is required to be removed and/or altered to enable construction activities.

Advice Note: *The matters outlined in Condition 70(c) may be included as part of a standalone SSESOP required in accordance with Conditions 14 and 15 for EB3C.*

71. The landscaping required by Condition 70(d), (e) and (f) must be undertaken by the end of the first planting season following construction of the related coastal structures unless otherwise agreed to by Auckland Council

72. At least 10 working days prior to the commencement of any construction activity in the CMA the Consent Holder must submit a Historic Heritage Management Plan (HHMP) to Council for certification in accordance with Condition 12 above. The objective of the HHMP is to avoid, remedy or mitigate adverse effects on historic heritage values in the EB3C works area as far as reasonably practicable.

73. As a minimum the following must be included in the HHMP:

- a) Guidelines for the management of construction works within the historic heritage extent of place associated with Donnelly' Quarry (HHEP item 2114);

- b) Construction management procedures including pre-start requirements, archaeological monitoring during earthworks, analysis and reporting;
- c) Methods for recording in-ground historic heritage material not covered by another statutory authority;
- d) Methods for documentation and potential reuse of items of moveable historic heritage;
- e) Roles and responsibilities of the historic heritage team, the Consent Holder, Mana Whenua representatives(s), contractors and subcontractors in relation to historic heritage material, consistent with any other statutory authorities;
- f) Protocols for the discovery of previously unrecorded archaeological or historic heritage sites, taonga, kōiwi or material of Māori cultural origin; and
- g) Training procedures for all contractors, to be undertaken in advance of construction, regarding the possible presence of archaeological or historic heritage sites or material, what these sites or materials may look like, and the relevant statutory requirements if any sites or materials are discovered.

Advice Note: *In the event that the HHMP requires updating, the recertification process detailed in Condition 12 will apply.*

- 74. Electronic copies of all reports relating to historic heritage monitoring or investigations in regard to the resource consent are to be submitted by the Consent Holder's Project historic heritage expert to the Monitoring officer(s) within 12 months of completion of the Eastern Busway Project (Package EB3C).
- 75. The occupation of the CMA is not an exclusive right of occupancy. The general public or any person(s) must not be excluded from the area(s) or any part of the area(s) to which this consent applies, unless necessary for the primary purpose of the structure(s), and only to the extent necessary to enable the primary purpose of the structure(s).
- 76. The consent holder must ensure that any structure permitted to occupy the CMA by this consent is maintained in a good and sound condition, and must make any repairs that are necessary, subject to obtaining any necessary resource consents.
- 77. Within 30 working days of completion of the bridge works a post construction meeting must be arranged and conducted by the consent holder that:
 - a) Is located at the site of Bridges A, B and associated embankments;
 - b) Includes representation from Council should they wish to attend; and
 - c) Includes representatives of the site engineer, the contractors who have undertaken the works and any other relevant party.
- 78. Within one month of the completion of the consented construction activities a complete set of "as built" plans must be supplied to the Council.

79. A copy of the “as built” plans must be provided to the Hydrographic Office (Chief Hydrographer, New Zealand Hydrographic Authority, Land Information New Zealand, Private Box 5501, Wellington) within one month of the completion of the construction activities within the CMA.

80. Under section 128 of the RMA the conditions of these coastal permit consents may be reviewed by the Manager Resource Consents at the Consent Holder’s cost on a five (5) yearly basis to deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on coastal environment.