

Attachment R: Proposed Draft Conditions of Consent

Definition of Terms

1. In these conditions, these terms have the following meaning:

| Term | Definition |
|--------------------------------------|---|
| AUP | Auckland Unitary Plan – Operative in Part |
| BHCMP | Built Heritage Construction Management Plan |
| CEMP | Construction Environmental Management Plan |
| Certify, certification and certified | In relation to plans or management plans means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is consistent with, or sufficient to meet, the conditions of this consent in terms of the matters set out in the conditions. |
| CMA | The 'coastal marine area' or 'common marine and coastal area' as defined in the RMA. |
| Consult, consulting and consultation | The process of providing information about the construction works, and receiving for consideration, information from stakeholders, directly affected and affected in proximity parties, regarding those effects and proposals for the management and mitigation of them. |
| CNVMP | Construction Noise and Vibration Management Plan |
| Commencement of construction | In all conditions which refer to 'commencement of construction', construction has the same meaning as the Construction Contracts Act 2002 and includes works such as site clearance and the construction, erection, installation, carrying out, alteration, repair, restoration, renewal, maintenance, extension, demolition, removal, or dismantling of any building or structure; and all other matters referred to in section 6 of that Act. |
| Consent Holder | Auckland Transport |
| Council | Auckland Council |
| CTMP | Construction Traffic Management Plan |
| DIDP | Downtown Infrastructure Development Programme |
| Date of commencement | The date that the resource consents commence pursuant to section 116 of the RMA. |
| Harbourmaster | The Harbourmaster's office within Auckland Transport. |
| Historic Heritage | This includes heritage buildings, sites and places identified in the New Zealand Heritage List, the Auckland Council Cultural Heritage Inventory, the NZAA Site Record File, or in the Auckland Unitary Plan or as specifically identified in conditions. |
| Infrastructure | The piles, pontoons, gangways, shelters, breakwater, gangway platforms, fender dolphins, fenders, marker dolphins, dolphin piles and related works, services and access. |
| Management plan/s | Means one or all of the following: <ul style="list-style-type: none"> - Construction Environmental Management Plan (CEMP) - Built Heritage Construction Management Plan (BHCMP) - Communication and Consultation Plan (CCP) - Construction Noise and Vibration Management Plan (CNVMP) - Construction Traffic Management Plan (CTMP) - Maritime Safety Management Plan (MSMP) |

| | |
|----------------------------------|---|
| Material change | Material change will include amendment to any base information informing the CEMP(s) or other Management plans or any process, procedure or method of the CEMP(s) or other Management plan, which has the potential to materially increase adverse effects on a particular receiver. For clarity, changes to personnel and contact schedules do not constitute a material change. |
| MSMP | Maritime Safety Management Plan |
| Operations | The use and operation of the ferry infrastructure (on wharves and in the water space) for a period up to 35 years from the commencement of consent. |
| RMA | Resource Management Act 1991 |
| Team Leader – Central Monitoring | Team Leader – Central Monitoring for the time being of the Council’s Resource Consent Monitoring unit. |
| Team Leader - Coastal | Team Leader – Coastal for the time being of the Council’s Natural Resources and Specialist Input unit. |
| The Project | The Downtown Ferry Redevelopment Project – Stage 1 and any part of that Project. |

Activity in accordance with the application

2. The scope and extent of the works envisaged by this Project shall be carried out in general accordance with the plans submitted with the application, detailed in **Attachment D & E**, and all referenced by the Council as consent numbers {consent references}.

Advice note: Relevant plans may be updated as part of the Management Plan process referred to in these conditions.

3. If there is any conflict between the plans and the conditions of these resource consents, the conditions of the resource consents shall prevail. Where there is an inconsistency between the plans lodged with the application and information provided subsequently, the most recent plans shall prevail.

Consent lapse period and duration

4. Under section 125 of the RMA, this consent will lapse five years from the date of commencement of the consents unless:
 - a. The consent is given effect to, or
 - b. The Council extends the period after which the consent lapses.
5. The Consent to erect the structures in the CMA under section 12(1) of the RMA and to occupy the CMA under section 12(2) of the RMA and to carry out the Project on the structures in the CMA under section 12(3) will commence on the date the construction of the structures in the CMA is complete and expire pursuant to section 123(c) of the RMA thirty-five (35) years after it commences, unless it has lapsed, been surrendered or been cancelled at an earlier time.

Monitoring fees

6. The Consent Holder shall pay the Council an initial consent monitoring charge of \$3,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions of these consents.

Copies of resource consents and associated documents to be made available

7. All personnel working on the Project shall be made aware of, and have access to, at least one copy of these resource consents, associated reference documents and plans, and the certified Management Plans.

Site access

8. Subject to compliance with the Consent Holder's health and safety requirements and provision of reasonable notice, servants or agents of the Council shall be permitted to have access to relevant parts of the surface construction sites controlled by the Consent Holder at all reasonable times for the purpose of carrying out inspections, surveys, investigations, test, measurements and/or to take samples.

Pre-construction

These conditions apply to all resource consents.

Management plans – certification and review process

Conditions 9 to 15 below apply to all management plans required by these conditions.

9. All of the management plans for the Project (or that part of the Project being implemented) shall be submitted to the Team Leader – Central Monitoring for certification at least 10 working days prior to commencement of construction (excluding site investigations, relocation of services and establishment of site entrances and fencing).
10. The Team Leader – Central Monitoring shall complete the certification process within 5 working days and advise the consent holder in writing as to whether certification has been achieved or not, and if certification is not achieved clear reasons why this is the case.
11. If the Team Leader – Central Monitoring does not provide the written confirmation required by Condition 10 within 5 working days, certification is assumed to have been achieved.
12. Any certified management plan may be amended if necessary to reflect any minor changes in design, construction methods or management of effects. Re-certification under Condition 9 or 13 is not required if those amendments once implemented would result in an outcome that is similar to, or better than that described in the original plan. In this case,

any amendments are to be submitted to and discussed with the Team Leader – Central Monitoring for information only.

13. Any changes to a certified management plan that may result in a materially different outcome shall be submitted to the Team Leader – Central Monitoring to certify compliance and consistency with the applicable requirements of these conditions. Where a management plan was prepared in consultation with affected parties, any material changes to that plan shall be prepared in consultation with those same parties.
14. All works shall be carried out in general accordance with the certified management plans.
15. Management plans may be submitted in part or in stages to address particular activities or to reflect the staged implementation of the Project. If submitted in part, management plans shall clearly show the linkage with plans for adjacent stages and interrelated activities.

Construction Environmental Management Plan

16. At least 10 working days prior to the commencement of construction of the Project, the Consent Holder shall prepare a Construction Environmental Management Plan (CEMP) including all certified Management Plans which form part of these conditions, and submit this to Council for certification in accordance with Conditions 9 to 15. The purpose of the CEMP is to provide an overarching framework to ensure that the Project remains within the limits and standards required by these conditions and that works appropriately avoid, remedy or mitigate more than minor adverse effects on the environment.
17. The CEMP shall include details of:
 - a. Final methodology and staging of works to illustrate that the works remain within the limits and standards approved under this resource consent and that the construction activities avoid, remedy or mitigate adverse effects on the environment.
 - b. Sediment control measures, such as the use of silt curtains.
 - c. Measures to manage any health effects associated with marine sediments relating to handling and disposal of excavated spoil.
 - d. The site or project manager and the Communication and Consultation Manager, including their contact details (phone, email and physical address);
 - e. The parties listed in Condition 20;
 - f. Communication and consultation procedures for ensuring that operators, residents, and businesses in the immediate vicinity of construction areas are given prior notice of the commencement of construction and are informed about the expected duration and effects of the work. In particular, the procedures shall provide for the following in relation to residents, road users and businesses potentially affected by the construction works:
 - i. Consultation prior to the commencement of construction;
 - ii. Notice periods for changes to pedestrian and vehicle access;
 - iii. Regular updates on construction progress;
 - iv. Key dates for major milestones; and

- v. Communication on any other matters potentially affecting residents or business operations in the vicinity of the works.
- g. Notice boards that clearly identify the Consent Holder and the project name, together with the name, telephone number and email address of the Site or Project Manager and the Communication and Consultation Manager;
- h. General site layout and management;
- i. An outline of the Project's construction programme
- j. An outline of the Project's construction programme, including construction hours of operation;
- k. Means of ensuring the safety of the general public;
- l. Certified Management Plans referred to in these conditions, as follows:
 - i. Built Heritage Construction Management Plan (BHCMP)
 - ii. Communication and Consultation Plan (CCP)
 - iii. Construction Noise and Vibration Management Plan (CNVMP)
 - iv. Construction Traffic Management Plan (CTMP)
 - v. Maritime Safety Management Plan (MSMP)

Communication and Consultation Plan

- 18. At least 10 working days prior to the commencement of construction, the Consent Holder shall prepare a Communication and Consultation Plan (CCP) and submit this to Council for certification in accordance with Conditions 9 to 15. The purpose of the CCP is to set out a framework to ensure appropriate communication and consultation with the community, stakeholders, affected parties, and affected in-proximity parties during the construction of the Project.
- 19. The CCP shall set out how the Consent Holder will:
 - a. Inform the community and business of construction progress and future construction activities and constraints that could affect them;
 - b. Provide early information on key milestones;
 - c. Respond to queries and complaints including but not limited to:
 - i. Who is responsible for responding;
 - ii. How responses will be provided; and
 - iii. The timeframes within which responses will be provided.
- 20. The CCP shall (as a minimum) include:
 - a. A communications framework that details the Consent Holder's communication strategies, accountabilities, frequency of communications and consultation, the range of communication and consultation tools to be used (including relevant communication methods, newsletters or similar, advertising etc.), and any other relevant communication matters;
 - b. The Communication and Consultation Manager for the Project including contact details (phone, email and postal address);
 - c. The methods for identifying and communicating with persons affected by the Project including but not limited to:
 - i. Property owners and occupiers of the sites adjacent to the Project's construction sites;

- ii. Mana Whenua;
- iii. Regional Facilities Auckland;
- iv. Panuku Development Auckland;
- v. Heritage NZ;
- vi. Harbourmaster's office;
- vii. Ports of Auckland Ltd;
- viii. Ferry operators including Fullers Ferries Ltd, Sealink Ferries Ltd, and Bellaire Ferries Ltd; and
- ix. Auckland Police Maritime Unit.

Pre-construction meetings and notification

21. Prior to commencement of any stage of construction, the Consent Holder shall arrange a preconstruction meeting with Council (Team Leader Central Monitoring in conjunction with relevant technical specialists, as required) as well as the site contractor and shall invite Mana Whenua to attend.
- a. The meeting shall be located on the Project site unless otherwise agreed;
 - b. The meeting shall be scheduled no less than five working days before the anticipated commencement of construction;
 - c. The meeting shall include representation from the contractor who will undertake the works;
 - d. The following information shall be made available by the Consent Holder at the preconstruction meeting:
 - i. Conditions of consent;
 - ii. Approved (signed/stamped) construction plans for that stage;
 - iii. Timeframes for key stages of the works authorised under these consents;
 - iv. Contact details of the site contractor, site engineer and other key contractors;
 - v. All certified Management Plans.
 - e. Appropriate provision to the extent sought by Mana Whenua, or their nominated representative(s), shall be made for a cultural induction of the contractor's staff.

Advice Note: To arrange the pre-construction meeting required by Condition 27 please contact XXXX, Team Leader Central Monitoring at XXXX@aucklandcouncil.govt.nz, or 09 301 01 01.

The conditions of consent should be discussed at this meeting. All information required by the Council should be provided no later than two days prior to the meeting.

Sediment control – general conditions

22. During construction, the Consent Holder shall take all practicable measures to minimise and prevent the discharge of sediment in the coastal marine area.
23. Sediment control measures shall be implemented through the CEMP required by Condition 17.

24. The sediment controls at the site of the works shall be inspected on a regular basis. A record shall be kept of the date and time of the inspection and the date, time and details of any maintenance undertaken. These details shall be forwarded to the Team Leader – Central Monitoring on request.

Construction traffic

Construction Traffic Management Plan

25. At least 10 working days prior to the commencement of the Project, the consent holder shall prepare a Construction Traffic Management Plan (CTMP) and submit this to Council for certification in accordance with Conditions 9 to 15. The purpose of the CTMP is to, as far as reasonably practicable, avoid, remedy or mitigate adverse effects of construction on transport, public transport and property access.
26. The CTMP shall include measures to :
- Maintain passenger access to the main terminal building during construction, through peak commuter periods. This will ensure the same number of access points are available during the construction works to minimise disruption to ferry services.
 - Maintain access to both The Cloud and Shed 10 during construction, primarily by way of the central access way.
 - Ensure the CTMP is developed in conjunction with and cognisant of the other DIDP works, namely the seawall and utility construction works, where both the pedestrian and vehicle access to the Wharf and Ferry Terminal will be maintained to a satisfactory level during peak commuter periods.
 - Maintain pedestrian access to Ferry Piers 3 and 4 on the northern side of Quay Street with a minimum of one entry and exit point (only required if ferry services are continuing to utilise all or some of Piers 3 and 4).
 - Maintain pedestrian access to and from Piers 2 during construction.

Construction noise and vibration

Construction noise and vibration – Project Standards

27. Construction noise shall comply with the following Project Standards unless otherwise provided for in the Construction Noise and Vibration Management Plan (CNVMP) (refer conditions 28 and 29).

| Day | Time | L _{Aeq} (30min) | L _{AFmax} |
|------------------------------|-------------|--------------------------|--------------------|
| Monday to Friday | 0630 – 2230 | 75 | 90 |
| Saturday | 0700 – 2300 | 80 | 90 |
| Sunday | 0900 – 1900 | 65 | 85 |
| All other times (night-time) | | 60 | 75 |

Construction Noise and Vibration Management Plan

28. At least 10 working days prior to the commencement of construction of the Project, the consent holder shall update the draft CNVMP included with the consent application documents and submit this to Council for certification in accordance with Conditions 9 to 15. The purpose of the detailed CNVMP is to, as far as reasonably practicable, avoid, remedy or mitigate adverse effects of construction noise and vibration. The objectives of the CNVMP are to:
- Identify and adopt the Best Practicable Option (BPO) for the management of construction noise and vibration;
 - Define the procedures to be followed when construction activities cannot meet the noise and vibration standards;
 - Inform the duration, frequency and timing of works to manage disruption;
 - Require engagement with affected receivers and timely management of complaints; and
 - Protect the wellbeing of marine mammals.
29. The CNVMP shall include:
- a. A description of the works;
 - b. Hours of operation;
 - c. Contact details for staff responsible for implementation of the CNVMP;
 - d. The construction noise and vibration performance standards for the Project;
 - e. Identification of affected sensitive receivers where noise and vibration performance standards apply;
 - f. Management and mitigation options, including the relevant measures from Annex E of NZS 6803:1999 "Acoustics - Construction Noise" and Appendix B of DIN 4150-3:1999 "Structural vibration - Part 3 Effects of vibration on structures", and a procedure to manage the underwater noise effects on marine mammals from impact and vibratory piling methods;
 - g. Methods and frequency of monitoring and reporting; and
 - h. Communication, consultation and complaints response protocol.

Built Heritage

Built Heritage Construction Management Plan

30. At least 10 working days prior to the commencement of the Project, the Consent Holder shall prepare a Built Heritage Construction Management Plan (BHCMP) and submit this separately to Heritage New Zealand for comments, and to Council for certification in accordance with Conditions 9 to 15. The purpose of the detailed BHCMP is to manage the construction process to avoid or mitigate potential impacts on built heritage in the vicinity of the Project.
31. The BHCMP shall include:
- a. Pre-start meeting requirements with contractors;
 - b. The methodology for site preparation, working practices and use of machinery;
 - c. Details methods for avoiding damage or protecting heritage fabric from damage that may potentially occur during construction;

- d. A visual condition survey of Built Heritage Places (including Queens Wharf, the AHB fence, the Ferry Building, and the Ferry Basin Ferry Launch Steps) within the proposed work areas to be undertaken prior to works commencing and on completion;
- e. Protocols for on-site compliance visits and communications paths;
- f. Methods for monitoring potential effects from vibration on nearby built heritage places in accordance with the Construction Noise and Vibration Management Plan; and
- g. Requirements for remediation of accidental damage to built heritage places arising from the works and any associated activities.

Built Heritage – prior to construction

- 32. Design of public open space at Queens Wharf shall include opportunities to enhance and reveal 'in-ground' historical features including the rail tracks and weighbridge adjacent to the AHB Fence / Queens Wharf Gates.
- 33. The applicant shall not undertake any changes to the roof fabric of the Queens Wharf historical Ferry Shelter until demolition of the louvers of the modern Ferry terminal is completed. At this time, a review of the general light levels within the Ferry Terminal will be undertaken, and confirmation of the need for changes to the Ferry Shelter roof shall be certified by Auckland Council in consultation with Manager Auckland Council Heritage Unit or their delegated representative.

Built Heritage – construction

- 34. Protection of historic heritage fabric shall be provided for prior to construction work commencing. Fence pylons and other built heritage features may be protected by erection of a temporary physical barrier such as fencing, or through temporary fixing of marine ply sheets or similar grade hoarding material to pylons. Sheets shall be padded with suitable protective strips such as expanded polystyrene and will not be directly fixed, but can be boxed around structures and fixed to the ground, screwed to temporary battens, or secured with cable ties.

Built heritage - post construction

- 35. If accidental damage or reduced condition occurs to a historic heritage place because of the proposed works, the Consent Holder or their appointed agent shall be responsible for undertaking remediation to a standard at least equivalent to the condition noted in the pre-works visual condition survey. The process for remediation of accidental damage will be set out in the BHCMP. This is likely to include any of the following: physical investigation; further research; specifications for any required conservation work; and, further consultation with Auckland Council and Heritage New Zealand.
- 36. A built heritage monitoring report shall be prepared to document changes or conservation works to any built heritage places affected by the proposed works. This shall include:

- i. changes to the Queens Wharf Ferry Shelter;
- ii. locations of new gangways along the western edge of the Queens Wharf;
- iii. to the open public space of the Wharf east of the Ferry Building; and,
- iv. Any remedial works that may arise from accidental damage during construction

The report shall include a photographic record, with supporting drawings and notes sufficient to provide context. This report will be provided to Auckland Council and Heritage New Zealand Pouhere Taonga within 12 months of completion of onsite works, for the purpose of updating of the Auckland Council Cultural Heritage Inventory and Heritage New Zealand list entry information.

Coastal permit

Maritime Safety Management Plan

- 37. At least 10 working days prior to the commencement of construction of the Project, the consent holder shall prepare Maritime Safety Management Plan (MSMP) and submit this to Council for certification in accordance with Conditions 9 to 15. The purpose of the MSMP is to maintain the safety of maritime activities and navigation throughout the construction period.
- 38. The plan shall include:
 - a. Procedures for operational communications e.g. with Ports of Auckland Ltd Harbour Control, the Auckland Transport Ferry Services Team and water users in the Ferry Basin;
 - b. Details of the maritime safety risk controls to be implemented and adhered to;
 - c. Notification responsibilities; and
 - d. Details of those responsible for implementing the MSMP and their responsibilities including the contact details of the Construction Manager and all those in charge of construction vessels.

Removal of structures

- 39. Any temporary structures used in construction shall be removed no later than 14 days following the completion of construction.

Final Plans

- 40. The Consent Holder shall provide final plans to the Team Leader – Central Monitoring and submit this to Council for certification in accordance with Conditions 9 to 15. The plans shall include the following information:
 - a. Details of the glazing, cladding and roof material for the proposed gangways and shelters.
 - b. Details of the location, placement and content of the wayfinding and information signs in accordance with the Signage Strategy detailed in the Urban Design Report prepared by Isthmus and illustrated on Sheet 2.27.

- c. Details of the location, placement, type and lux levels of lighting to be installed in accordance with the Lighting Strategy detailed in the Urban Design Report prepared by Isthmus as illustrated on Sheet 2.26.
- d. Details of the balustrades to be installed at either side of the gangways for passenger safety.
- e. Details of the skylights to be installed to the historic ferry shelter and the modifications to the northern façade of the shelter.

The finalised plans shall ensure that the proposed works are consistent with the plans and information referenced under Condition 1 and that all works shall be carried out with the details certified by the Council, and thereafter retained and maintained, to the satisfaction of the Council (Team Leader Central Monitoring).