

From: Hannah Watson <Hannah.Watson@bellgully.com>
Sent: Tuesday, 27 April 2021 7:03 pm
To: waitohifasttrack
Cc: Louise Taylor; Megan Justice; Andrew Beatson
Subject: Invitation to comment on the draft conditions for the Waitohi Picton Ferry Precinct Redevelopment [BG-B.FID1104800]
Attachments: 27680275_Memorandum of counsel - Response to Panel_s draft conditions.PDF; 27680219_Appendix 1 - PMNZ and KiwiRail_s substantial changes to the Panel_s version of conditions.PDF; 27680215_Appendix 2 - Proposed Combined Conditions of Consent -PMNZ and KiwiRails changes.nrl.PDF; 27671369_Appendix 3_ Letter from Mr Fitzgerald.PDF

Categories: Copied to SharePoint

Good evening Alex,

Please find **attached** Port Marlborough New Zealand Limited (**PMNZ**) and KiwiRail Holdings Limited's (**KiwiRail**) comments on the Panel's draft conditions of consent in relation to LP-14 Waitohi Picton Ferry Precinct Redevelopment.

Please also find attached the following Appendices, which form part of PMNZ and KiwiRail's response to the Panel's draft conditions:

- Appendix 1: a table outlining PMNZ and KiwiRail's substantial changes to the Panel's version of conditions and reasons for these changes;
- Appendix 2: an updated set of conditions, outlining all of PMNZ and KiwiRail's proposed amendments to the Panel's draft conditions (this is shown in tracked changes); and
- Appendix 3: A letter from Mr Craig Fitzgerald, the Project's noise expert, commenting on the Panel's draft Conditions PA1.18, PA2.10 and PA2.10.1.

Please let us know if you require anything further.

Kind regards,
Hannah

Hannah Watson Solicitor

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Appendix 1

Appendix 1: PMNZ and KiwiRail's substantial changes to the Panel's version of conditions

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
PA 1.10(c)	(c) A super silt sediment fence (in accordance with Auckland Regional Council, 1999, Technical Publication No. 90) shall be installed in accordance with WSP Plan C-1032 Rev. F and maintained until the project works have been completed and grassed areas have been reinstated for two growing seasons after the completion of the construction works, or earlier if agreed by both Compliance Manager MDC and the Consent Holder.	(c) A super silt sediment fence (in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region Auckland Regional Council, 1999, Technical Publication No. 90) shall be installed in accordance with WSP Plan C-1032 Rev. F and maintained until the project works have been completed and grassed areas have been reinstated for two growing seasons after the completion of the construction works, or earlier if agreed by both Compliance Manager MDC and the Consent Holder.	TP90 has been superseded. This amendment references the updated version of this guidance document. This guidance document is also referenced at Condition PA1.19.
PA1.10(d)	(d) Once the Dublin Street overbridge is completed, public access shall be provided for and maintained along the eastern edge of the Waitohi Reserve and the true left bank of the Waitohi Awa for the duration of the project.	(d) Once the Dublin Street overbridge is completed, public access shall be provided for and maintained along the eastern edge of the Waitohi Reserve and the true left bank of the Waitohi Awa for the duration of the project construction period, subject to	The Panel's version of this sub clause is open-ended and is not linked to managing effects of the project. The obligation to maintain public access should be limited to duration of the project construction period. Once construction is completed access to and along the reserve is no longer affected by the project.

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		<u>health and safety requirements.</u>	It is also appropriate for this obligation to be subject to health and safety requirements, which from time to time preclude such access.
PA1.11 Advice Note	Advice Note: No discharges of contaminated surface water, stockpile liquid or runoff from stockpiles is authorised by this consent	Advice Note: <u>Except as provided for in the conditions of this consent, No discharges of contaminated surface water, contaminated stockpile liquid or contaminated runoff from stockpiles is authorised by this consent.</u>	The Applicants are seeking consent for discharges, provided the discharges meet the appropriate guideline of the Australia and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000) Table 3.4.1 Trigger values for toxins for freshwater at the level of protection of 80 per cent of species (as per section 7.6.4 of the CMP). See condition PA1.11(b)(viii).
PA1.12(b)	(b) If contaminated soils are encountered during works, verification testing will be carried out to establish how any contaminated spoils are to be handled and appropriately disposed of:	(b) If contaminated soils are encountered during works, verification testing will be carried out to establish how any contaminated soils spoils are to be handled and appropriately disposed of:	Typo.
PA1.12(c)	(c) If soil material excavated is to be disposed of to land within the project reclamation area or used in the construction of the	If soil material excavated is to be disposed of to land within the project reclamation area or used in the construction of the seawall or below	The WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018) definition of Cleanfill is for 'Virgin Excavated

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	seawall or below mean high water springs it must meet the definition of cleanfill in the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018).	mean high water springs it must meet the MDC Clean Fill Guideline Values (Landcare Research MDC, Cleanfill 2013) definition of cleanfill in the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018).	Natural Material' (VENM). This would appear to preclude treated and mixed contaminated soil/spoil/dredge material from use in the locations specified in Condition PA1.12(c). The more appropriate standard to comply with is Marlborough District Council Clean Fill Guidelines which allows for the limited use of treated, mixed or stabilised soil/spoil and dredge material.
PA1.12(d)	(d) Cleanfill material disposed of at Shakespeare Bay on Lot 2 DP 346226 must be in accordance with MDC Certificate of Compliance U130279 or resource consent authorising such activity at this site	Delete subclause (d).	The Applicants have sought consent to use the Shakespeare Bay site in the resource consent application for the Project. Reference to existing approvals, or requiring further future approvals for an activity in a consent condition effectively frustrates the grant of consent.
PA1.12 Advice Note	<i>Advice Note: This consent does not authorise the disposal of contaminated soils.</i>	<i>Advice Note: This condition does not relate to the management of dredge spoil, which is addressed in conditions PB2.5 and PB2.6 .</i> <i>This consent does not authorise the disposal of contaminated soils <u>other</u></i>	The careful re-use of contaminated soil as "managed fill" is anticipated by the Draft CMP (refer s.7.4.3). The Panel's version of the advice note does not accurately reflect this. PMNZ and KiwiRail suggest including the amended advice note to ensure

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		<p><u>than in accordance with the approved Construction Management Plan.</u></p> <p><u>If any contaminated material is discovered during terrestrial excavation, that contains substances which are not suitable for managed reuse, such material will be disposed of at a facility consented to accept such material.</u></p>	<p>the conditions specific to dredge spoil are implemented, and not confused with the terrestrial soil conditions in 1.12 and to clarify how any contamination is to be managed.</p> <p>The Applicants noted in RFI #1 paragraphs [96] – [97], that if any highly contaminated material is accidentally discovered during terrestrial excavation (not dredging) that is deemed to require removal, such material will be collected by appropriately licensed hazardous waste handlers and disposed of at facilities consented to accept the material. Contaminated soil may be discovered during construction and it will have to be disposed of appropriately.</p>
PA1.18(a)	(a) Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise" at any occupied building.	(b) Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise" <u>and comply with the following Project Standards at any occupied building, unless otherwise provided for in the CNVMP at condition PA2.10.at any occupied building.</u>	<p>It is widely accepted that for large-scale infrastructure projects full compliance with NZS6803 cannot always practicably be achieved.</p> <p>Mr Craig Fitzgerald, the Project's noise expert, notes that the PMNZ and KiwiRail's amendment provides three necessary functions:</p> <ul style="list-style-type: none"> • Links the text requirement with the table of performance standards.

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			<ul style="list-style-type: none"> • Requires compliance with the table of performance standards (with exception in the next point). • Enables exceedances but 'triggers' further scrutiny of the BPO. <p>It is standard practice to seek consent to exceed the construction noise standard, as long as such exceedance is carefully managed by a CNVMP - this is what the Applicants have sought consent to do.</p> <p>The Panel noted the importance of linking limits and standards with management plan conditions in its first request for further information. PMNZ and KiwiRail have therefore re-inserted the reference to the CNVMP to link the management plan with the 'limits/standards' conditions.</p>
PA1.18(b)	(b) Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures" and comply with the limits in Tables 1 and 3 of the Standard.	(b) Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures" and comply with the limits in Tables 1 and 3 of the Standard <u>unless otherwise</u>	See reason to PA1.18(a) above. As noted by Mr Fitzgerald, Condition PA2.10.1(d) specifically identifies the dwellings where the vibration standards in Condition PA1.18 are predicted to be exceeded. Therefore, it makes sense to provide a link to the

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
		<p><u>provided for in the CNVMP at condition PA2.10.</u></p>	<p>management plan condition where this exceedance will be addressed.</p>
<p>PA1.19</p>	<p>Erosion, Sediment Control and Stormwater</p> <p>Methods to avoid and minimise erosion and/or sediment mobilisation into the receiving environment during construction works and works in the bed of the Waitohi Awa shall generally be in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.</p>	<p>Erosion, Sediment Control and Stormwater</p> <p>Methods to avoid and or minimise erosion and/or sediment mobilisation into the receiving environment during construction works and works in the bed of the Waitohi Awa shall generally be in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.</p>	<p>PMNZ and KiwiRail consider that the word “or” is suitable here, as the consent holder will not be able to both avoid and minimise erosion or sediment mobilisation.</p>
<p>PA2.9.1(g)</p>	<p>(g) Set out the management protocols for contaminated surface water management, which shall include, but are not necessarily limited to the following:</p> <p>(i) Surface water is to be diverted away from areas of ground disturbance where contaminated materials are present. Temporary bunding systems including socks,</p>	<p>(g) Set out the management protocols for contaminated surface water management, which shall include, but are not necessarily limited to the following:</p> <p>(i) Surface water is to be diverted away from areas of ground disturbance where contaminated materials are present. Temporary bunding systems including socks, sandbags etc. shall be employed as necessary;</p>	<p>PMNZ and KiwiRail have reinserted sub clauses (vii)-(viii). This is because these sub clauses outline what standard is required to be achieved to properly allow contaminated surface water to be discharged to the stormwater network.</p> <p>As noted above in PA1.11, the Applicants are seeking consent for such discharges, provided the discharges meet the appropriate guideline of the Australia and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC</p>

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	<p>sandbags etc. shall be employed as necessary;</p> <p>(ii) If surface water comes into contact with contaminated materials and dewatering is required, it shall be contained and shall not be discharged to the stormwater system or wastewater system without treatment or prior testing and written approval from MDC to do so;</p> <p>(iii) If contaminated surface water is observed within excavations, it shall be contained and shall not be discharged to the stormwater system or wastewater system without treatment or prior testing and written approval from the Compliance Manager MDC to do so.;</p> <p>(iv) All surface water that has come into contact with contaminated materials and all contaminated surface water shall be collected and tested to determine how the liquid is to be</p>	<p>(ii) If surface water comes into contact with contaminated materials and dewatering is required, it shall be contained and shall not be discharged to the stormwater system or wastewater system without treatment or prior testing <u>in accordance with Conditions PA2.9.1(g)(iv) – 2.9.1(g)(vii) below and written approval from MDC to do so;</u></p> <p>(iii) If contaminated surface water is observed within excavations, it shall be contained and shall not be discharged to the stormwater system or wastewater system without treatment or prior testing <u>in accordance with Conditions PA2.9.1(g)(iv) – 2.9.1(g)(vii) below and written approval from the Compliance Manager MDC to do so.;</u></p> <p>(iv) All surface water that has come into contact with contaminated materials and all</p>	<p>2000) Table 3.4.1 Trigger values for toxins for freshwater at the level of protection of 80 per cent of species (as per section 7.6.4 of the CMP).</p> <p>Any discharges into Council's wastewater system are managed via Marlborough District Council's Trade Waste Bylaw 2011 and are not managed via this resource consent.</p>

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	<p>disposed of in accordance with section 7.6.4 of the CMP at Condition PA2.5. As a minimum this testing shall include:</p> <ul style="list-style-type: none"> • Testing for suspended solids, heavy metals and hydrocarbons. 	<p>contaminated surface water shall be collected and tested to determine how the liquid is to be disposed of in accordance with section 7.6.4 of the CMP at Condition PA2.5. As a minimum this testing shall include:</p> <ul style="list-style-type: none"> • Testing for suspended solids, heavy metals and hydrocarbons. <p>(v) <u>The results of the testing required in condition PA 2.9.1(g)(iv) shall meet the requirements of the Australian and New Zealand Guidelines for Fresh and Main Water Quality Guidelines (ANZECC, 2000) Table 3.4.1 'Trigger values for toxicants for freshwater (where available) at the level of protection of 80 per cent of species.</u></p> <p>(vi) <u>Failure to meet this standard will require water treatment, sample collection and repeat analysis to determine if the water meets discharge criteria in</u></p>	

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		<p><u>accordance with the procedures detailed in the ESCDSMP.</u></p> <p>(vii) <u>If the results meet the respective ANZECC, 2000 criteria, the liquid meets the standard to be discharged to the stormwater network.</u></p>	
PA2.9.1 Advice Note	<p>Advice Note: <i>This consent does not authorise the discharge of contaminated stormwater or dewatering liquid. Any discharges from use of the Port area (including log storage area) for the storage or stockpiling of dredge material shall be undertaken in accordance with existing consents held, relevant permitted activity standards, or by further resource consents granted for such activities.</i></p>	<p>Advice Note: <i>This consent <u>only does not</u> authorises the discharge of contaminated stormwater or <u>contaminated</u> dewatering liquid <u>arising from works authorised by this consent, in carefully controlled circumstances.</u> -Any discharges of <u>contaminants</u> from use of the Port area (including log storage area) for the storage or stockpiling of dredge material shall be undertaken in accordance with existing consents held, relevant permitted activity standards, or by further resource consents granted for such activities.</i></p> <p><u>Discharges to the wastewater system may require a separate trade waste approval from the MDC.</u></p>	<p>This advice note has been reworded to provide more clarity as to what is authorised in relation to the project works and what relates to other port operations.</p> <p>The Applicants are seeking consent for project related discharges, provided such discharges meet the guideline of the Australia and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000) Table 3.4.1 Trigger values for toxins for freshwater at the level of protection of 80 per cent of species (as per section 7.6.4 of the CMP).</p>
PA2.10(b)	(b) Define the procedures to be followed when the noise and	(b) Define the procedures to be followed when the noise and vibration standards in	It is well recognised and widely accepted that full compliance with NZS6803 noise standards cannot always practicably be achieved when

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	vibration standards in Condition PA1.18 are be met;	Condition PA1.18 are be not met;	<p>constructing large scale infrastructure. It is standard practice to seek consent to exceed the construction noise standard, and this is what the Applicants have sought consent to do.</p> <p>As noted by Mr Fitzgerald, this purpose statement was intended to ensure that construction noise and vibration exceedances enabled by Condition PA1.18 are sufficiently scrutinised.</p>
PA2.10(e)	(e) Identify and adopt the BPO for the construction management protocols and methodologies to minimise the underwater noise levels of impact and vibration piling to protect marine mammals and in particular avoid adverse effects on threatened or at-risk species; and	(e) Identify and adopt the BPO for the construction management protocols and methodologies to minimise-manage the underwater noise levels of impact and vibration piling to protect marine mammals and in particular avoid adverse effects on threatened or at-risk species; and	PMNZ and KiwiRail request the use of the word 'manage' instead of 'minimise'. A requirement to minimise may lead to an expensive solution that may draw out the impact on the community (above ground noise) over a longer period.
PA2.10.1(c)	(c) That piling will be restricted to the hours of 7am to 7pm, Monday to Saturday, excluding Sundays and public holidays, except where in-water piling is further constrained by Condition PA2.10.1(e)(i);	(c) That piling-pile driving will be restricted to the hours of 7am to 7pm, Monday to Saturday, excluding Sundays and public holidays, except where in-water piling is further constrained by Condition PA2.10.1 (g)(ii)(e)(i) ;	PMNZ and KiwiRail request that this sub clause refers to 'pile driving' on the basis that from Mr Fitzgerald's experience of observing and monitoring marine piling projects, impact and vibration pile driving is undoubtedly the loudest component of piling. Mr Fitzgerald also notes that the pile driving is a relatively short

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			interval within the total period taken to install a pile. Other piling components, such as ground preparatory works, pile setup, alignment and concrete works, are much quieter.
PA2.10.1(e)	(e) That the Consent Holder shall undertake a post construction completion building condition survey for the Edwin Fox structure, and any building where the vibration levels are predicted to exceed the cosmetic building damage limits in Condition PA1.18(b). Copies of the of the survey reports must be provided to the building owner and the Compliance Manager MDC within one month of undertaking the survey.	(e) That the Consent Holder shall undertake a post construction completion building condition survey for the Edwin Fox structure, and any building where the vibration levels are predicted or measured to exceed the cosmetic building damage limits in Condition PA1.18 (b) . Copies of the of the survey reports must be provided to the building owner and the Compliance Manager MDC within one month of undertaking the survey.	PMNZ and KiwiRail have included 'or measured' to reflect the triggered CNVMP monitoring regime.
PA2.10.1(g)	(g) Control or mitigation measures to be undertaken that will minimise underwater noise effects on marine mammals and avoid adverse effects on threatened or at- risk species, including:	(g) Control or mitigation measures to be undertaken that will minimise underwater noise effects on marine mammals and avoid adverse effects on threatened or at- risk species, including: (i) Where Minimise possible using vibration impact piling	<u>Subclause g(i)</u> In relation to sub clause (g)(i), the PMNZ and KiwiRail request a 'where practicable' obligation instead of 'where possible' on the basis that it better reflects the general requirement to adopt the BPO and

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	<p>(i) Where possible using vibration piling methods to reduce noise levels;</p> <p>(ii) Restricting in-water impact or vibration pile driving to within half an hour after sunrise and half an hour before sunset (i.e. daylight hours only);</p> <p>(iii) Using piling methods that minimise underwater noise including: 'Soft starts'/ramping up activity (gradually increasing the intensity of impact piling) and the trial of alternative driving methods and use of noise dampening measures such as bubble curtains;</p> <p>(iv) Using a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet, (e.g. plastic or plywood);</p> <p>...</p>	<p>methods to reduce noise levels <u>where practicable</u>;</p> <p>(ii) Restricting in-water impact or vibration pile driving to within half an hour after sunrise and half an hour before sunset (i.e. daylight hours only);</p> <p>(iii) Using piling methods that minimise underwater noise including:</p> <p><u>(a)</u> 'Soft starts'/ramping up activity (gradually increasing the intensity of impact piling) and</p> <p><u>(b)</u> the consideration <u>trial</u> of alternative driving methods; and</p> <p><u>(c)</u> the consideration of <u>the</u> use of noise dampening measures such as bubble curtains;</p> <p>(iii)<u>(iv)</u> Using a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet, (e.g. plastic or plywood);</p> <p>....</p>	<p>does not give rise to an unduly onerous restriction.</p> <p>In addition, Mr Fitzgerald has also noted that "<i>Where possible using vibration piling methods</i>" could result in perverse outcomes:</p> <ul style="list-style-type: none"> • Subsequent part (iii) requires consideration of alternative driving methods (e.g. bored piling). This requirement may unintentionally favour vibration piling methods over bored piling methods. • From Mr Fitzgerald's experience of observing and monitoring marine piling projects, contractors will generally prioritise vibration over impact piling methods because it is quicker. However, the contractor will switch to impact piling when vibration becomes inefficient (at refusal). It may be "possible" to keep using vibration piling methods, but may not be practicable and/or result in extensive vibration piling driving duration. The Marine Mammal Observation Zones (MMOZ) are exposure based (combination of noise level

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			<p>and duration). A combination of vibration and impact piling is often the most efficient to reduce overall exposure.</p> <p><u>Sub clause g(iii):</u></p> <p>In relation to sub clause (g)(iii), PMNZ and KiwiRail consider that the use of the word 'consideration' is more appropriate than 'trial'. For example, "<i>alternative driving methods</i>" have already been considered and implemented during the design process, resulting in the largest CMA piles changing from impact/vibration to bored piling methods. However, requiring a trial of bored piling in all cases may not always be practicable due to geotechnical requirements, contractors experience and cost constraints.</p> <p>Mr Fitzgerald notes that whilst the CNVMP requires giving preference to bored methods over impact and vibration, requiring the consent holder to trial the method is also too onerous - it may not be a viable method.</p> <p>For similar reasons, requiring the trial of noise dampening measures such as bubble curtains is also excessive.</p>

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			<p>Requiring 'consideration' of these measures is more appropriate.</p> <p>Listing the measures (rather than including them all in one sentence) also provides clarity to the sub-clause.</p>
PB2.6(a)	(a) Dredge spoil excavated from the first 0.75 metres below the seabed shall be classified as contaminated fill and must be handled, stored and disposed to ensure liquid discharges and contaminant stormwater is contained.	(a) <u>Except if tested and confirmed as cleanfill</u> , Dredge spoil excavated from the first 0.75 metres below the seabed shall be classified as contaminated fill and must be handled, stored and disposed to ensure liquid discharges and contaminant stormwater is contained.	PMNZ and KiwiRail consider that if dredged spoil excavated from the first 0.75 metres below the seabed is tested and meets the definition of cleanfill, then it should be able to be handled, stored and disposed of as other cleanfill would be.
PB2.6(g)	(g) Containment sites and processing areas for dredged spoil classified as non-cleanfill under section 7.5.5 of the CMP shall be managed so as not to result in any liquid, dewatering or contaminated stormwater discharges. Any dewatering liquid or contaminated stormwater must be authorised by resource consent held for the containment site.	(g) Containment sites and processing areas for dredged spoil classified as non-cleanfill under section 7.5.5 of the CMP shall be managed so as not to result in any <u>contaminated</u> liquid, dewatering or contaminated stormwater discharges. Any dewatering liquid or contaminated stormwater <u>that meets the ANZECC, 2000 criteria may be discharged to the stormwater network.</u> must be authorised by	As noted above (at PA1.11), the Applicants are seeking consent for discharges, provided the discharges meet the appropriate guideline of the Australia and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000) Table 3.4.1 Trigger values for toxins for freshwater at the level of protection of 80 per cent of species (as per section 7.6.4 of the CMP).

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		resource consent held for the containment site.	The proposed restriction would effectively frustrate the consent that has been sought.
PB2.6(h)	(h) Any diverted stormwater from around any containment site must not be greater than the pre-development discharge volume and will only be discharged into the stormwater system with the written approval of the MDC.	(h) Any diverted stormwater from around any containment site must not be greater that than the pre-development discharge volume and will only be discharged into the stormwater system <u>if it meets the standard for discharge to such network or</u> with the written approval of the MDC.	MDC's approval is not required where the discharge meets ANZECC 2000 criteria.
PB2.6(n)-(q)	Not included in Panel's version	<p><u>(n) The results of the testing required in condition PB2.6(l) shall meet the requirements of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines (ANZECC, 2000) Table 3.4.1 'Trigger values for toxicants for freshwater (where available) at the level of protection of 80 per cent of species.</u></p> <p><u>(o) Failure to meet this standard will require water treatment, sample collection and repeat analysis to determine if the</u></p>	<p>As noted in comments on PA1.11 above, the Applicants are seeking consent for discharges, provided the discharges meet the appropriate guideline of the Australia and New Zealand Guidelines for Fresh & Marine Water Quality (ANZECC 2000) Table 3.4.1 Trigger values for toxins for freshwater at the level of protection of 80 per cent of species (as per section 7.6.4 of the CMP).</p> <p>We have also reinserted sub clause (q) to address the Panel's concern about avoiding adverse effects saltmarsh wetland.</p>

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		<p><u>water meets discharge criteria in accordance with the procedures detailed in the ESCDSMP at condition PA2.9.</u></p> <p><u>(p) If the results meet the respective ANZECC, 2000 criteria, the liquid meets the standard to be discharged to the stormwater network.</u></p> <p><u>(q) In addition to the requirements set out in the conditions PB2.6(a) – PB2.6(p), dredge spoil containment sites located in Shakespeare Bay shall be managed using best practice erosion and sediment control management in order to avoid (other than minor or transitory) adverse effects on the saltmarsh wetland to achieve compliance with condition PB2.7.</u></p>	
PB2.6 Advice Note	<p>Advice Note: This consent does not authorise the storage, stockpiling of or disposal of dredge spoil at 'The Farm' site or/and the 'Cleanfill Site' located in Shakespeare Bay, and as identified on the WSP Plan C-1031 Rev. H. Any such activity shall be undertaken in accordance any existing resource consents held</p>	<p>Advice Note: This consent does not authorise the storage, stockpiling of or disposal of dredge spoil at 'The Farm' site or/and the 'Cleanfill Site' located in Shakespeare Bay, and as identified on the WSP Plan C-1031 Rev. H. Any such activity shall be undertaken in accordance any existing resource consents held</p>	<p>At paragraph [95] of RFI #1, the Applicants confirmed that dredge spoil may be temporarily stored and dried at The Farm or the Cleanfill Site in Shakespeare Bay if the main Port site (as a first option) or log yard (as a second option) are not available due to space constraints.</p>

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	<i>and/or any resource consent granted for such activities.</i>	<i>and/or any resource consent granted for such activities.</i>	<p>The Applicants specifically sought resource consent for the use of both sites for spoil storage.</p> <p>Reference to existing approvals, or requiring future further approvals for an activity in a consent condition would frustrate the consent that has been sought.</p>
PB2.8	<p>Marine Mammal Observers</p> <p>The following shall be achieved by the implementation of the CNVMP at Condition PA2.10:</p> <p>(a) A qualified Marina Mammal Observer (MMO) shall provide continuous watch over the main boundary of the MMOZ for marine mammals during piling operations.</p> <p>(b) A qualified MMO is as defined by the Department of Conservation's observer standards and training Code of Conduct for Seismic Surveys.</p> <p>(c) A Dedicated MMO is a suitably trained MMO to provide additional lookout for marine mammals during piling operations within inner port and marina areas of the MMOZ, when necessary. The</p>	<p>Marine Mammal Observers</p> <p>The following shall be achieved by the implementation of the CNVMP at Condition PA2.10:</p> <p>(a) A qualified Marina Mammal Observer (MMO) shall provide continuous watch over the main boundary of the MMOZ for marine mammals during <u>impact and vibration</u> piling operations.</p> <p>(b) A qualified MMO is as defined by the Department of Conservation's observer standards and training Code of Conduct for Seismic Surveys.</p> <p>(c) A Dedicated MMO is a suitably trained MMO to provide additional lookout for marine mammals during <u>impact and vibration</u> piling operations within inner port and marina</p>	<p>PMNZ and KiwiRail have included "<i>impact and vibration</i>" in front of the word piling in sub clause (a) and sub clause (c) to provide consistency with the wording seen in Condition PA2.10(e).</p>

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
	<p>training for Dedicated MMOs shall include, but not be limited to:</p> <ul style="list-style-type: none"> (i) Types of marine mammals likely to be present in the area and how to identify them; (ii) Search and scanning protocol and methods to be used including poor visibility protocols; (iii) Marine mammal behaviours; (iv) Measures to be taken if marine mammals are sighted; (v) Reporting requirements; and (vi) Health and safety requirements specific to undertaking the observations. <p>Te Ātiawa shall be invited to identify appropriate iwi members to be part of the marine mammal observational activities, including being trained as MMOs.</p>	<p>areas of the MMOZ, when necessary. The training for Dedicated MMOs shall include, but not be limited to:</p> <ul style="list-style-type: none"> (vii) Types of marine mammals likely to be present in the area and how to identify them; (viii) Search and scanning protocol and methods to be used including poor visibility protocols; (ix) Marine mammal behaviours; (x) Measures to be taken if marine mammals are sighted; (xi) Reporting requirements; and (xii) Health and safety requirements specific to undertaking the observations. <p>Te Ātiawa shall be invited to identify appropriate iwi members to be part of the marine mammal observational activities, including being trained as MMOs.</p>	
PB2.9	The port/railway redevelopment works shall maintain the fully functional flood overland flow path from the Kent Street Tributary down	The port/railway redevelopment works shall maintain the a fully functional flood overland flow path	PMNZ and KiwiRail consider the Panel's proposed amendment is unnecessarily restrictive with the requirement to maintain the same

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
	<p>Lagoon Road to the harbour, no narrower than and maintaining the same contours as, the existing flow path as shown on the 4 drawings in Appendix V to the Comments by Marlborough District Council of 25 February 2021, and plan C-1655 in the Application.</p>	<p>from the Kent Street Tributary down Lagoon Road to the harbour, no narrower than and maintaining the same contours as so that the capacity of this flow path is not reduced from the pre-development capacity.</p> <p><u>Advice Note:</u>; theThe existing flow path referred to in this condition is shown on the 4 drawings in Appendix V to the Comments by Marlborough District Council of 25 February 2021, and plan C-1655 in the Application.</p>	<p>contours. PMNZ and KiwiRail seek an amendment to ensure the capacity of the flow path is not reduced, but also to enable an increase in its capacity.</p>
PB3.3	<p>Coastal Marine Area Protection Management Plan (CMAMPMP)</p> <p>...</p> <p>For certification purposes, the CMAMP shall, at a minimum, include the use of the following measures to avoid and mitigate the effects of construction activity on marine ecology and water quality and comply with Condition PB2.5:</p> <p>(a) Cleaning of all marine plant, equipment and machinery before use;</p> <p>(b) Regular inspection and cleaning of all marine plant, equipment and machinery to avoid import or dispersal of invasive marine organisms and thus protect biosecurity;</p>	<p>Coastal Marine Area Protection Management Plan (CMAMPMP)</p> <p>...</p> <p>For certification purposes, the CMAMP shall, at a minimum, include the use of the following measures to avoid and or mitigate the effects of construction activity on marine ecology and water quality and comply with Condition PB2.5:</p> <p>(a) Cleaning of all marine plant, equipment and machinery before use;</p> <p>(b) Regular inspection and cleaning of all marine plant, equipment and machinery to avoid import or dispersal of invasive marine organisms and thus protect biosecurity;</p>	<p>PMNZ and KiwiRail note that the consent holder is not required to avoid all effects.</p> <p>For sub clause (g) the practicality of using sediment curtains may affect the ability to use this method. Having to maintain an operating port during these works may mean that the use of a sediment curtain is not feasible in some places.</p>

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
	<p>(c) Methodologies to ensure the accuracy of dredging to enable classification of dredge material and minimise over-dredging;</p> <p>(d) Use of appropriate dredging plant and equipment appropriate for the seabed soil types;</p> <p>(e) Securing of construction materials in the coastal marine area to prevent loss into the marine environment, particularly those materials which are prone to be blown by the wind and/or could cause entanglement of marine mammals or fish;</p> <p>(f) Containment and effective dewatering and filtering of dredged spoil in barges or pumped systems within the coastal marine area;</p> <p>(g) All works that disturb the foreshore and seabed shall be undertaken using best practice protocols to minimise water turbidity, including the use of sediment curtains.</p> <p>(h) Seashore construction work making best use of low tides.</p>	<p>(c) Methodologies to ensure the accuracy of dredging to enable classification of dredge material and minimise over-dredging;</p> <p>(d) Use of appropriate dredging plant and equipment appropriate for the seabed soil types;</p> <p>(e) Securing of construction materials in the coastal marine area to prevent loss into the marine environment, particularly those materials which are prone to be blown by the wind and/or could cause entanglement of marine mammals or fish;</p> <p>(f) Containment and effective dewatering and filtering of dredged spoil in barges or pumped systems within the coastal marine area;</p> <p>(g) All works that disturb the foreshore and seabed shall be undertaken using best practice protocols to minimise water turbidity, including <u>considering</u> the use of sediment curtains.</p> <p>(h) Seashore construction work making best use of low tides.</p>	

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
	<p>(i) Accuracy and sensitivity for placement of scour protection layers.</p> <p>(j) Use of biodegradable hydraulic oils for all marine plant where practicable.</p> <p>(k) Use of effective and contained refuelling systems and procedures.</p> <p>(l) The adoption of best practice controls to avoid and mitigate potential spills, including having effective and ready emergency spill management processes.</p>	<p>(i) Accuracy and sensitivity for placement of scour protection layers.</p> <p>(j) Use of biodegradable hydraulic oils for all marine plant where practicable.</p> <p>(k) Use of effective and contained refuelling systems and procedures.</p> <p>(l) The adoption of best practice controls to avoid and mitigate potential spills, including having effective and ready emergency spill management processes.</p>	
PB3.4(e)	<p>(e) Detail the methodology for the production of cleanfill that contains contaminated dredge spoil and how this will meet the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018);</p>	<p>(e) Detail the methodology for the production of cleanfill that contains contaminated dredge spoil and how this will meet the Australian and New Zealand Environment and Conservation Council. Australian and New Zealand Fresh and Marine Water Quality Guidelines 2000 standard at Condition PB2.6(c)(b) WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018);</p>	<p>See reasoning above at PA1.12(c)</p> <p>The WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018) definition of Cleanfill is for 'Virgin Excavated Natural Material' (VENM). This could preclude treated and mixed contaminated soil/spoil/dredge material from use in these locations specified in Condition PA1.12(c).</p> <p>The appropriate environmental health standard to comply with is the ANZECC 2000 standard. This will allow for the use of treated, mixed or stabilised soil/spoil and dredge</p>

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
			material and still suitably manage environmental risk.
PC2.1	<p>Works in Waitohi Awa</p> <p>(a) The Consent Holder shall ensure that, during works in the Waitohi Awa, the flow of water past the works is sufficient to maintain fish passage in accordance with the applicable National Institute of Water and Atmospheric Research New Zealand Fish Passage Guidelines April 2018, unless otherwise agreed with the Marlborough District Council.</p> <p>(b) Prior to works commencing that require access to the bed of the Waitohi Awa, the Consent Holder shall install a temporary staff (head) gauge at the existing Broadway Bridge abutment to monitor water levels in the Waitohi Awa.</p> <p>(c) The Consent Holder shall agree a specified cut-off low water flow level with the Compliance Manager MDC</p>	<p>Works in Waitohi Awa</p> <p>(a) The Consent Holder shall ensure that, during works in the Waitohi Awa, the flow of water past the works is sufficient to maintain fish passage in accordance with the applicable National Institute of Water and Atmospheric Research New Zealand Fish Passage Guidelines April 2018, unless otherwise agreed with the Marlborough District Council.</p> <p>(b) Prior to works commencing that require access to the bed of the Waitohi Awa, the Consent Holder shall install a temporary staff (head) gauge at the existing Broadway Bridge abutment to monitor water levels in the Waitohi Awa.</p> <p>(c) The Consent Holder shall agree a specified cut-off low water flow level with the Compliance Manager MDC</p>	<p>PMNZ and KiwiRail note that the purpose of sub clauses (b), (c) and (d) is to ensure construction works do not occur when the river is in flood. Therefore, it is not a low flow water level that is relevant, rather a yet to be determined high water level. The intention is that any diversion will be removed if flooding is forecast. Sub-clauses (b), (c) and (d) do not relate to fish passage.</p> <p>In regards to sub-clause (a), which deals with fish passage, PMNZ and KiwiRail will ensure the diverted volume related to the works is not less than the natural flow of Waitohi Awa.</p>

Condition	Panel's version	PMNZ and KiwiRail's amended version	Reason for amendment
	<p>prior to any construction works occurring in the Waitohi Awa.</p> <p>(d) Access to the bed of the Waitohi Awa for construction works shall only occur when levels are at or below the specified low water cut-off level agreed with Marlborough District Council in Condition PC2.1(c).</p> <p>(e) The Consent Holder shall ensure that the finished works do not materially reduce the capacity of Waitohi Awa to carry flood waters. This shall be demonstrated when plans are provided to Council in terms of Condition PA1.2.</p>	<p>prior to any construction works occurring in the Waitohi Awa.</p> <p>(d) Access to the bed of the Waitohi Awa for construction works shall only occur when levels are at or below the specified low water cut-off level agreed with Marlborough District Council in Condition PC2.1(c).</p> <p>(e) The Consent Holder shall ensure that the finished works do not materially reduce the capacity of Waitohi Awa to carry flood waters. This shall be demonstrated when plans are provided to Council in terms of Condition PA1.2.</p>	

Appendix 2

PROPOSED CONDITIONS OF CONSENT

Waitohi Picton Ferry Precinct Redevelopment

Version: ~~1327~~1327 April 2021 – FOR COMMENT

'PA', 'PB', 'PC' and 'PD' are found in front of condition references throughout the condition set to ensure clarity as to what condition is being referenced:

- PA: Part A: General Conditions
- PB: Part B: Application 2A
- PC: Part C: Application 2B
- PD: Part D: Application 2C

Part A: General Conditions – These apply to all three consents

1.1.	<p>Sequencing and Schedule of Construction Activities</p> <p>(a) Construction works shall be staged generally in accordance with the staging regime set out in the “Draft for Resource Consent Construction Methodology Report”, dated 18 September 2020.</p> <p>(b) At least 15 working days prior to the commencement of construction, the Consent Holder shall provide an updated staging regime to the Compliance Manager, Marlborough District Council (MDC) for Marlborough District Council records and to Te Ātiawa o Te Waka-a-Māui Trust (“Te Ātiawa”) as kaitiaki of the Rohe.</p> <p>(c) At least 15 working days prior to the commencement of each stage of construction, as set out in the staging regime referred to in Condition PA1.1(b), the Consent Holder shall provide to the Compliance Manager MDC, for Marlborough District Council records, and to Te Ātiawa, a detailed programme outlining the proposed construction activities for that stage, along with the name and contact phone number of the site supervisor responsible for the stage. The submitted programme must also specify the maximum anticipated time period for completion of construction activities for that construction stage.</p> <p>(d) Any changes to the staging regime referred to in Condition PA1.1(b) or the programme referred to in Condition PA1.1(c) above shall be provided to the Compliance Manager MDC and Te Ātiawa at least three working days prior to the changes being implemented.</p> <p>Advice Note: For the purposes of the consent conditions "construction" shall not apply to any enabling works including site survey and site set up.</p>
1.2.	<p>Final Plans</p> <p>(a) At least 15 working days prior to the proposed date of commencement of each stage of construction, the Consent Holder shall provide final plans and elevations of all works including buildings, structures, retaining walls, culverts, access, roading, landscaping, services and associated permanent and temporary occupation of the coastal marine area, to the Compliance Manager MDC, for Marlborough District Council records.</p> <p>(b) As relevant to the stage of construction, the Consent Holder shall also provide the Compliance Manager MDC with written certification:</p> <p>(i) From a suitably qualified landscape architect, that the detailed landscape design plans are in general accordance with the information and plans submitted with the application for resource consent;</p> <p>(ii) From a suitably experienced professional civil engineer that the detailed design of the new wharf and jetties is in general accordance with the information and plans submitted with the application for resource consent; and</p> <p>(iii) From a suitably qualified architect, that:</p> <ul style="list-style-type: none">• the detailed design of the terminal building is in general accordance with the information and plans submitted with the application for resource consent;• cultural design elements have been incorporated into the detailed design of the Waitohi Picton Ferry Precinct; and• the final design of the breakwater includes modulation of the colour and/or texture of the facing concrete panels, and incorporates areas of timber capping (or similar timber detailing). <p>(c) Where changes to any of the information and plans listed in Condition 1 of Parts B, C and D are required for connections from the ferry terminal to external roads, such as Lagoon Road and Auckland Street, the final plans and elevations provided in Condition PA1.2(a) shall be accompanied with evidence of consultation undertaken with Marlborough Roads, Waka Kotahi NZ Transport Agency and MDC.</p>

	<p>Advice Note: Any proposed works within the proximity of Council water, sewer and stormwater infrastructure shall be designed and certified by a chartered professional engineer to Council Code of Practice requirements.</p> <p>Advice Note: Any alteration to the Waitohi culvert undertaken shall be designed and certified by a chartered engineer. The design and construction works shall be in accordance with the New Zealand and Council Code of Practices, Standards and Guidelines that apply to the alteration works. For the avoidance of doubt, nothing in this advice note shall impose any obligation on the Consent Holder to upgrade the capacity of the culvert.</p> <p>Advice Note: A Corridor Access Request (CAR) must be lodged with Council's Roading Authority prior to any works within road reserve, including the installation of services and vehicle entranceways.</p> <p>Advice Note: The proposal that is the subject of this permit/consent involves the installation of pipelines and/or infrastructure within the road reserve/public land. Before any work commences a licence to occupy this land must be obtained. Please contact APL Property, Blenheim, for further information.</p>
1.3.	<p>Suitably Qualified Person</p> <p>The preparation of all plans and actions required by these conditions shall be undertaken by a Suitably Qualified Person.</p> <p>Advice Note: A Suitably Qualified Person is a person (or persons) who can provide sufficient evidence to the reasonable satisfaction of the Compliance Manager MDC to demonstrate their suitability and competence in the relevant field or expertise.</p>
1.4.	<p>Provision of Information Post Construction</p> <p>Within 6 months of completion of the structures and works listed below, the Consent Holder shall provide the following information to the Compliance Manager MDC, for Marlborough District Council records (relevant consent references set out in brackets below):</p> <ul style="list-style-type: none"> (a) For all structures constructed pursuant to this consent in the coastal marine area, an as-built plan with sufficient GPS information to demonstrate the structure's compliance with the consented envelope (2A); (b) For reclamations constructed pursuant to this consent an as-built plan or survey sufficient to meet the requirements of section 245 of the Resource Management Act 1991 (2A); (c) A bathymetric survey of the area dredged pursuant to this Consent (2A); and (d) Upon completion the Consent Holder must provide as built plans and Ramm data for any infrastructure being completed within Council road reserve, or any asset that will be vested to Council upon completion of the project. <p>Advice Note: Upon completion of the construction programme for the terminal building, the Council shall be provided with an as built plan showing location and depth of water, sewer and stormwater infrastructure including coordinates of any surface features in terms of NZTM.</p>
1.5.	<p>Fish passage within the Waitohi Awa and Waitohi Culvert</p> <ul style="list-style-type: none"> (a) The Consent Holder shall ensure that, during works in the Waitohi Culvert, the conditions for fish passage provided by the current culvert configuration are maintained. (b) The Consent Holder shall ensure that, during works in the Waitohi Awa, the flow of water past the works is sufficient to maintain fish passage. This condition shall be implemented in the Erosion, Sediment Control, Dust and Stormwater Management Plan (ESCDSMP) at Condition PA2.9. (c) Any upgrades to the Waitohi Culvert which affect internal aspects of the culvert shall be designed and installed in accordance with the National Institute of Water and Atmospheric Research New Zealand Fish Passage Guidelines April 2018 unless otherwise agreed with the Compliance Manager.

	(d) Any upgrades to the Waitohi Culvert shall be designed and installed such that the flow path width is not less than the existing flow path width.
1.6.	<p>Māori Cultural Monitoring</p> <p>The Consent Holder shall ask Te Ātiawa to identify an appropriate person to undertake the role of a cultural monitor. The identified monitor shall be engaged by the Consent Holder to monitor excavation and dredging works and to assist in identifying any Māori cultural material / sites and archaeological material which might be discovered. This shall be achieved through the implementation of section 7.9 of the Construction Management Plan (CMP) at Condition PA2.5:</p>
1.7.	<p>Accidental Discovery Protocol</p> <p>The following shall be achieved through the implementation of section 7.9 of the CMP at Condition PA2.5:</p> <p>If any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered during the undertaking of this work, then:</p> <p>(a) Work in that area shall cease immediately, the area secured and any uncovered material shall remain untouched;</p> <p>(b) Advice of the discovery must be given as soon as possible within 24 hours to:</p> <p>(i) Te Ātiawa Trust's Kaitiaki o te Taiao Office: Landline: 03 573 5170 Email: taiao@teatiawatrust.co.nz To enable appropriate cultural procedures / tikanga to be administered; and</p> <p>(ii) Heritage New Zealand Pouhere Taonga Landline: 04 472 4341</p> <p>(c) Work shall not recommence in that area unless it is undertaken in accordance with an Archaeological Authority that has been issued by Heritage New Zealand Pouhere Taonga.</p> <p>Advice Note:</p> <p><i>The people of Te Ātiawa hold mana whenua and have a deep historic association with this area of historic occupation.</i></p> <p><i>All archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an Authority to modify, damage or destroy an archaeological site.</i></p>
1.8.	<p>Construction Traffic</p> <p>The following shall be achieved through the implementation of section 7.1 of the CMP at condition PA2.5 and the Construction Traffic Management Plan (CTMP) at Condition PA2.6:</p> <p>(a) Construction traffic on Lagoon Road and Auckland Street will be avoided where practical to minimise the impact on public and port operations.</p> <p>(b) The implementation of appropriate traffic management measures to manage peak hour capacity on the road network for schools, in consultation with the affected schools.</p> <p>(c) If operations are anticipated that will or may impact on port operations or port traffic (particularly on Lagoon Road), the Consent Holder shall undertake consultation with the impacted stakeholders to minimise the operational impacts to the greatest extent practical.</p> <p>(d) The implementation of appropriate traffic management measures to minimise the impact of construction traffic on the ferry terminal, railway station, Edwin Fox Museum, Waitohi</p>

	<p>Picton Aquarium, Marlborough District Council carpark, Destination Marlborough's I-Site, rental car companies, and other local businesses and residents near the harbour precinct, including:</p> <ul style="list-style-type: none"> (i) consultation with stakeholders; (ii) notification to stakeholders; (iii) temporary signage; and (iv) works and barriers. <p>(e) Construction vehicles, while working on this project, shall not park within Council legal road without the prior written permission of Marlborough Roads.</p> <p>(f) There shall be no storage of plant, equipment or material for the project in legal road without the prior written permission of Marlborough Roads. This excludes Dublin Street, when closed for bridge construction and, Lagoon Road and Auckland Street within port boundary, if agreed with Port Marlborough New Zealand Limited.</p> <p>(g) At all times, ensure that the construction works will not impede access to the existing Dublin Street Pump Station. In the event that Dublin Street is closed during construction works, an alternate access must be provided to the Dublin Street Pump Station.</p>
1.9.	<p>Roading Management Plan - Road Maintenance</p> <p>At least 15 working days prior to construction commencing, the Consent Holder shall supply the Marlborough District Council with a Roading Management Plan for local roads affected by construction traffic. The purpose of the Roading Management Plan is to monitor any damage caused by construction traffic directly related to this project and require any such damage to be remediated.</p> <p>The Roading Management Plan will include:</p> <ul style="list-style-type: none"> (a) Identification of roads likely to be affected by project activities, in consultation with Marlborough Roads, where any predicted effects are considered by the Consent Holder to be directly attributable to project delivery; (b) An assessment of pre-project road condition for the roads identified in Condition PA1.9(a); (c) A proposed schedule for regular inspection, assessment and reporting of the condition of roads identified in Condition PA1.9(a); (d) Processes for regular clean-up of construction-related spillage and maintenance of clean roads directly attributable to effects generated during project delivery; (e) Provision for road maintenance which is directly attributable to effects generated by delivery of the project; (f) Provision for remediation of road damage directly attributable to effects generated by delivery of the project, at the conclusion of project delivery; and (g) The Consent Holder's process for contractor selection (for any remedial works required under Condition PA1.9(f)).
1.10.	<p>Waitohi Reserve</p> <ul style="list-style-type: none"> (a) The use of the Waitohi Reserve for construction activities shall be in general accordance with WSP Plan C1032 Rev. F, including location of site access and gravel laydown areas. (b) Waitohi Reserve will not be used for the stockpiling or storage of contaminated material, dredge spoil or topsoil other than that originating from the Reserve itself in accordance with Condition PA1.11(b)(ix). This condition shall be achieved through the implementation of section 7.4.6 of the CMP at Condition PA2.5. (c) A super silt sediment fence (in accordance with Auckland Council's Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland RegionAuckland Regional Council, 1999, Technical Publication No. 90) shall be installed

	<p>in accordance with WSP Plan C-1032 Rev. F and maintained until the project works have been completed and grassed areas have been reinstated for two growing seasons after the completion of the construction works, or earlier if agreed by both Compliance Manager MDC and the Consent Holder.</p> <p>(d) Once the Dublin Street overbridge is completed, public access shall be provided for and maintained along the eastern edge of the Waitohi Reserve and the true left bank of the Waitohi Awa for the duration of the project <u>construction period, subject to health and safety requirements</u>.</p> <p>(e) Within the next growing season after the completion of construction works, the Consent Holder shall reinstate any grassed areas in the Waitohi Reserve which were disturbed by the installation and use of the project construction laydown areas, as depicted in the WSP Plan C-1032 Rev. F and continue to monitor and maintain the grass for two growing seasons after the completion of the construction works, or earlier if agreed by both Compliance Manager MDC and the Consent Holder.</p> <p>(f) The landscaping for the Waitohi Reserve, as depicted on the Wraight and Associates Ltd Plans (entitled Waitohi Reserve Plan reference RC1-102 and RC1-104, dated 23 October 2020), shall be completed within the growing season following the cessation of use of the Reserve for the project's purposes.</p> <p>(g) The selection of plants shall be submitted to Compliance Manager MDC for certification against the Waitohi Reserve Plan referenced in Condition PA1.10(f) prior to the commencement of planting.</p>
1.11.	<p>Earthworks Management</p> <p>The following shall be achieved through the implementation of section 7.4.4 of the CMP at Condition PA2.5:</p> <p>(a) Records: The Consent Holder shall maintain a complete record of earthworks undertaken on project site identified on the WSP Plan C-1801 Rev. G. This should include but not be limited to:</p> <ul style="list-style-type: none"> (i) Location of earthworks; (ii) Type and volume of material excavated; (iii) Location of temporary stockpiles (if stockpiled); (iv) Record of sampling undertaken and laboratory results; (v) Record of any fill or contaminated material that has been retained on site; (vi) Final disposal locations of materials removed from site, with supporting haulage docketts and disposal certificates; and (vii) Any further validation sampling and testing of soils remaining on site (if required). <p>(b) Stockpiles from earthworks: The Consent Holder shall implement the following protocols for on-site temporary stockpiling of soil/spoil as appropriate for the soil classification category:</p> <ul style="list-style-type: none"> (i) Stockpile locations will be determined by the Consent Holder prior to construction beginning; (ii) Stockpile will be constructed in accordance with the ESCDSMP at Condition PA2.9 and the CMP in Condition PA2.5; (iii) Stockpiles will be maintained to be clean and tidy, with a stable slope in accordance with section 7.4.4 of the CMP at Condition PA2.5; (iv) Bunds or sediment fences will be constructed or installed in accordance with the ESCDSMP at Condition PA2.9 around the edges of the stockpiles to prevent discharge of contaminated stormwater run-off; (v) Stockpiles will be inspected at least daily and if required, sprayed with water in sufficient quantity to prevent dust generation, without causing run-off;

	<ul style="list-style-type: none"> (vi) Where stockpiled material is odorous it will be treated with an odour suppressant to limit the release of odour off-site; (vii) Liquid levels within bunds/stockpile areas will be monitored and if the liquid exceeds more than 10% of the bund volume, the liquid volume within the bund/stockpile area will be reduced to no more than 5% of the bund volume; (viii) All discharges arising from stockpiles shall be managed, tested and discharged in accordance with the procedures stated in the CMP 7.6.4 at Condition PA2.5 and the ESCSMP at Condition PA2.9; and (ix) No soil stockpiles shall be located within the Waitohi Reserve, except for the stockpiling of the top 100mm of soil (from the Waitohi Reserve itself) containing the turf root system which will be re-used when the Waitohi Reserve is no longer used as the construction laydown area. <p>(c) Loading and Transportation - The Consent Holder shall ensure:</p> <ul style="list-style-type: none"> (i) Retention of copies of the necessary disposal operator permits to confirm that the facility can receive the materials prior to transportation off-site; (ii) Retention of all weighbridge dockets and/or a summary sheet of soil/spoil disposed off-site in accordance with section 7.4.4(ii) of the CMP at Condition PA2.5; (iii) All vehicles transporting contaminated material off-site shall be covered before leaving the construction area and entering local roads; (iv) Vehicles will be visually inspected by a nominated site representative prior to the leaving site to confirm that there is no excess soil/spoil on vehicle tyres; and (v) Spillages of soil/spoil which occur during the placement of soil/spoil in trucks will be cleaned up prior to the truck moving. <p>Advice Note: <i>Except as provided for in the conditions of this consent, No discharges of contaminated surface water, <u>contaminated</u> stockpile liquid or <u>contaminated</u> runoff from stockpiles is authorised by this consent.</i></p>
1.12.	<p>Soil classification</p> <p>The following shall be achieved through the implementation of section 7.4.3 of the CMP at Condition PA2.5:</p> <ul style="list-style-type: none"> (a) All excavated soils shall be classified in accordance with section 7.4.3 of the CMP as 'Clean Fill', 'Managed Fill' or 'Contaminated Soil'; (b) If contaminated soils are encountered during works, verification testing will be carried out to establish how any contaminated <u>soilspoils</u> are to be handled and appropriately disposed of: <p>(c) If soil material excavated is to be disposed of to land within the project reclamation area or used in the construction of the seawall or below mean high water springs it must meet the <u>MDC Clean Fill Guideline Values (Landcare Research MDC, Cleanfill 2013) definition of cleanfill in the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018).</u>;</p> <p>(c) <u>Cleanfill material disposed of at Shakespeare Bay on Lot 2 DP 346226 must be in accordance with MDC Certificate of Compliance U130279 or resource consent authorising such activity at this site;</u></p> <ul style="list-style-type: none"> (d) Managed soils-fill shall only be reused with the terrestrial Civil Works Area shown on WSP Plan C-1031 Rev.H. <p>Advice Note: <i>This condition does not relate to the management of dredge spoil, which is addressed in conditions PB2.5 and PB2.6.</i></p> <p><i>This consent does not authorise the disposal of contaminated soils <u>other than in accordance with the approved Construction Management Plan.</u></i></p>

	<i>If any contaminated material is discovered during terrestrial excavation, that contains substances which are not suitable for managed reuse, such material will be disposed of at a facility consented to accept such material.</i>
1.13.	<p>Imported fill</p> <p>The following shall be achieved through the implementation of section 7.4.7 of the CMP at Condition PA2.5:</p> <ul style="list-style-type: none"> (a) If material is to be brought onsite from a certified supplier, documentation shall be sought to confirm the material is clean fill and complies with cleanfill definition in the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018). (b) All imported material shall comply with clean fill definition in the WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018). (c) If material is imported from an uncertified site or supplier, then material of this nature shall be sampled and tested if it cannot be confirmed that the material originates from a “clean” / non-HAIL source. Testing shall as a minimum include: <ul style="list-style-type: none"> (i) Total organic content (TOC) heavy metals (arsenic, cadmium, chromium, Copper, mercury, nickel, lead and zinc); (ii) Total petroleum hydrocarbons (TPH); (iii) Semi-volatile organic compounds (SVOCs) – includes polycyclic aromatic hydrocarbons (PAH) and organochlorine pesticides (OCP); and, (iv) Asbestos (presence/absence).
1.14.	<p>Accidental Discovery of Contamination</p> <p>The following shall be achieved through the implementation of section 7.4.8 of the CMP at Condition PA2.5:</p> <p>If personnel observe any indicators of contamination, the Consent Holder must comply with the following steps:</p> <ul style="list-style-type: none"> (a) Immediately cease all works within 10 metres of any part of the discovery, including shutting down all earth disturbing machinery and stopping earth moving activities; (b) Switch off heat/ignition sources and isolate, contain or absorb any contaminant discharge; (c) Update the site hazard noticeboard to prevent access to the area; and (d) Inform MDC and the site Health and Safety Manager and a contaminated land consultant. <p>Grossly contaminated soil, spoil, refuse material or water that requires off-site disposal will be contained and collected by appropriately licensed hazardous waste handlers and disposed of at facilities consented to accept the material.</p> <p>Should asbestos be observed or suspected during the excavation works, all work shall cease and the Worksafe New Zealand Guidelines for the management and removal of asbestos (3rd Edition) and Health & Safety at Work (Asbestos) Regulations 2016 will be followed.</p>
1.15.	<p>Decontamination</p> <p>The following shall be achieved through the implementation of section 7.4.9 of the CMP at Condition PA2.5:</p> <p>Decontamination of personnel and portable equipment must be carried out to reduce safety, health and environmental risks and limit the migration of contaminants (from waste material, soil, water, equipment and PPE) around, and outside, the site.</p>
1.16.	<p>Spill management</p> <p>The following shall be achieved through the implementation of the Spill Management and Response Plan at Condition PA2.8:</p>

	<p>(a) All earthmoving machinery, pumps, generators and ancillary equipment shall be operated so that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance:</p> <p>(b) No fuel or hazardous chemicals storage shall occur in areas over or within 20 metres adjacent to the coastal marine area or waterways:</p> <p>(c) In the event of a spill, MDC will be notified and appropriate spill response actions will be taken immediately to minimise any impact on the environment; and</p> <p>(d) All hazardous substances shall be stored in locked, ventilated, and banded hazardous good containers well clear of vehicle and vessel movements, and above flood or storm surge risk levels.</p>																												
1.17.	<p>Dust and Odour</p> <p>The following shall be achieved through the implementation of section 7.4.4.iv of the CMP at Condition PA2.5 and the ESCSMP at Condition PA2.9:</p> <p>(a) Dust must be minimised in accordance with GD05 and section 5.2.5 of the <i>Good Practice Guide for Assessing and Managing Dust</i>, Ministry for Environment, 2016.</p> <p>(b) There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.</p>																												
1.18.	<p>Terrestrial Construction Noise and Vibration</p> <p>The following shall be achieved through the implementation the Construction Noise and Vibration Management Plan (CNVMP) at Condition PA2.10:</p> <p>(a) Construction noise shall be measured and assessed in accordance with the provisions of New Zealand Standard NZS 6803:1999 “Acoustics - Construction Noise” <u>and comply with the following Project Standards at any occupied building, unless otherwise provided for in the CNVMP at condition PA2.10.at any occupied building.</u></p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>dB LAeq (30min)</th> <th>dB LAFmax</th> </tr> </thead> <tbody> <tr> <td>Monday to Friday</td> <td>0630 – 0730</td> <td>55</td> <td>75</td> </tr> <tr> <td></td> <td>0730 – 1800</td> <td>70</td> <td>85</td> </tr> <tr> <td></td> <td>1800 – 2000</td> <td>65</td> <td>80</td> </tr> <tr> <td>Saturday</td> <td>0730 – 1800</td> <td>70</td> <td>85</td> </tr> <tr> <td>Sunday</td> <td>0730 – 1800</td> <td>55</td> <td>85</td> </tr> <tr> <td>All other times (night-time)</td> <td>45</td> <td>75</td> <td></td> </tr> </tbody> </table> <p>(b) Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150-3:1999 “Structural Vibration – Part 3: Effects of Vibration on Structures” and comply with the limits in Tables 1 and 3 of the Standard <u>unless otherwise provided for in the CNVMP at condition PA2.10.</u></p> <p><i>Advice Note: This condition does not apply to marine underwater noise.</i></p>	Day	Time	dB LAeq (30min)	dB LAFmax	Monday to Friday	0630 – 0730	55	75		0730 – 1800	70	85		1800 – 2000	65	80	Saturday	0730 – 1800	70	85	Sunday	0730 – 1800	55	85	All other times (night-time)	45	75	
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1.19.	<p>Erosion, Sediment Control and Stormwater</p> <p>Methods to avoid <u>and/or</u> minimise erosion and/or sediment mobilisation into the receiving environment during construction works and works in the bed of the Waitohi Awa shall generally be in accordance with Auckland Council’s Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region.</p>																												
<p>2. Management Plans Conditions</p>																													

2.1.	All construction work shall be carried out in accordance with the relevant provisions of applicable management plan(s) required by these conditions. Certain management plans are only applicable to consent application 2A, as indicated in brackets in Condition PA2.3 below.
2.2.	<p>(a) The management plans required to be prepared in accordance with these conditions, shall be prepared and/or updated and finalised by the Consent Holder and provided to the Compliance Manager MDC for certification at least 30 working days prior to the commencement of construction of the relevant stage. A list of the management plans requiring certification is set out in Condition PA2.3 below.</p> <p>(b) The certification process must be confined to confirming that the management plan adequately gives effect to the relevant condition(s) of this consent.</p> <p>(c) If the Consent Holder has not received a response from the Compliance Manager MDC within 20 working days of the date of submission under Condition PA2.2(a) above, the Management Plan must be deemed to be certified.</p> <p>(d) If the Compliance Manager's response is that they are not able to certify a management plan they must provide the Consent Holder with reasons and recommendations for changes needed to the management plan in writing. The Consent Holder must consider any reasons and recommendations of the Compliance Manager and resubmit an amended management plan for certification.</p> <p>(e) If the Consent Holder has not received a response from the Compliance Manager MDC within five working days of the date of resubmission under Condition PA2.2(d) above, the management plan will be deemed to be certified.</p> <p>(f) The Consent Holder must comply with all certified management plans at all times.</p>
2.3.	<p>The following management plans shall be submitted to the Compliance Manager MDC for certification in accordance with Condition PA2.2:</p> <p>(a) Construction Management Plan required in Condition PA2.5, and all subsidiary management plans (required in Conditions PA2.6 – PA2.10 and Conditions PB3.2, PB3.3 and PB3.4):</p> <ul style="list-style-type: none"> (i) Construction Traffic Management Plan (appendix to the CMP); (ii) Demolition and Earthworks Management (section in the CMP); (iii) Spill Management and Response Plan (appendix to the CMP); (iv) Erosion, Sediment Control, Dust and Stormwater Management Plan (appendix to the CMP); (v) Navigational Safety Plan (appendix to the CMP) (refer to Condition PB3.2) (2A); (vi) Coastal Marine Area Protection Management Plan (appendix to the CMP) (refer to Condition PB3.3) (2A); (vii) Dredging Management Plan (DMP) (appendix to the CMP) (refer to condition PB3.4) (2A); and (viii) Construction Noise and Vibration Management Plan (appendix to the CMP). <p>(b) Avian Management Plan (refer to Condition PB3.1) (2A).</p> <p>These management plans shall be prepared and implemented in general accordance with any relevant consent conditions.</p> <p>Where any conflict between the certified management plans and conditions of consent exists, the conditions of consent shall prevail.</p>
2.4.	If the Consent Holder seeks to make a change to a certified management plan, the change shall be submitted to the Compliance Manage MDC for certification at least ten working days prior to any changes taking effect. If the Council does not provide a certification decision within five working days of receipt of the change, this change will be deemed to be certified.

2.5.	<p>Construction Management Plan (CMP)</p> <p>In accordance with Conditions PA 2.3 and PA2.5.1, the draft CMP (Appendix Va of the Resource Consent Application) shall be finalised by the Consent Holder. The purpose of the CMP is to:</p> <ul style="list-style-type: none"> (a) Describe the project and types of construction methods expected to be used; (b) Identify the environmental considerations, mitigation measures and construction processes and controls proposed; and (c) Set out the steps to be taken to ensure the construction activities achieve the outcomes specified in Conditions PA1.5 – PA1.8, PA1.10 – PA1.19; PB2.4 – PB2.9; PC2.1 – 2.4<u>PA1.6, PA1.7, PA1.8(a), PA1.8(c), PA1.10(a), PA1.11 – PA1.15 and PA1.17.</u> <p>The CMP may be prepared in stages to reflect the stages of the project. Any material changes or subsequent material amendments to the CMP must, following the procedures set out in Condition PA2.4, be submitted to the Compliance Manager MDC for certification prior to being implemented.</p>
2.5.1.	<p>For certification purposes, the finalised CMP shall, at a minimum:</p> <ul style="list-style-type: none"> (a) Outline the proposed construction methodology, staging, processes and techniques expected to be used for the project; (b) Incorporate any existing resource consents and environmental management framework, including any other health and safety, environmental, or operational management plans which apply to the project; (c) Identify the key environmental (including cultural) considerations that may be impacted by construction, and the potential effects of the construction work on the environment, including values of mana whenua and mana moana; (d) Demonstrate the environmental management processes and procedures which will be used to manage and minimise or mitigate the effects on the natural character and values of the ferry precinct environs, including public amenity, waterways, foreshore and seabed, and waterway/marine habitats and environment; (e) Set out protocols required for the accidental discovery of Māori cultural material / sites and archaeological material, including the presence of cultural monitors to achieve Conditions PA1.6 and PA1.7; (f) Identify the external organisations including mana whenua and mana moana, iwi, local authorities and stakeholders, and other affected parties, community groups, commercial businesses, and residents of Waitohi Picton, who may be affected by the construction work. The CMP shall also identify the key project personnel, roles and responsibilities of the parties described above; (g) Require preparation of a Project Communications Plan. The purpose of the Project Communications Plan shall be to establish clear lines of communication between the Consent Holder and the external parties described in Condition PA 2.5.1(f) to assist with management of construction effects on these parties. (h) The Project Communication Plan shall describe how communication is to be managed between project personnel and the external parties described in Condition PA2.5.1(f); (i) The Project Communications Plan shall also set out the specific process for mana whenua and mana moana, iwi, public and affected parties to register a complaint and for processing complaints received. This shall include demonstrating the process for identification and management of any issues that may arise, and implementation of corrective measures as required in consultation with those parties; (j) Incorporate the communications aspects of section 7.0 of the CNVMP at Condition PA2.10 including: <ul style="list-style-type: none"> - A requirement for written communication to be provided to occupiers of buildings within 100 metres of the scheduled works at least ten days prior to the work commencing.

	<ul style="list-style-type: none"> - A requirement to advise occupants of buildings within 100 metres of any necessary night works of scheduled night works at least ten days prior to the works commencing - Consultation with the sensitive receivers identified in the CNVMP shall be undertaken at least ten days prior to works that may affect these receivers commences. - A requirement to advise occupiers of buildings identified in the CNVMP (Table 8) as potentially being affected by vibration of works that may generate vibration effects at least ten days prior to scheduled works commencing. <p>(k) Include methods for management of air quality throughout the construction period, in accordance the <i>Good Practice Guide for Assessing and Managing Dust</i>, Ministry for Environment, 2016 and the <i>Good Practice Guide for Assessing and Managing Odour</i>, Ministry for Environment, 2016, or any subsequent versions to achieve Condition PA1.17(a).</p>
2.5.2.	<p>Roles and Responsibilities</p> <p>The CMP shall require that the Consent Holder ensure that project personnel responsible for supervising contractor site staff (e.g. forepersons, supervisors, and managers), undergo environmental awareness training. Specifically, training may include (as relevant), but shall not be limited to:</p> <ul style="list-style-type: none"> (a) The environmental management requirements and the processes included in the CMP and associated management plans; (b) The sensitivity of the coastal marine area and how these aspects should be managed (i.e. the presence of marine mammals, birds, etc); and (c) Briefings on the Māori cultural values of the area, and opportunities and requirements for cultural engagement and partnership.
2.6.	<p>Construction Traffic Management Plan (CTMP)</p> <p>A CTMP shall be prepared for the duration of the project works. The purpose of the CTMP is to manage the effects of construction traffic, minimise impacts for State Highway and local road users as well as residents and local businesses within Waitohi Picton, and set out the steps to be taken to achieve the outcomes specified in Condition PA1.8.</p> <p>For certification purposes, the CTMP shall, at a minimum:</p> <ul style="list-style-type: none"> (a) Provide details of the construction methodology and programme and the effect on the transport network; (b) Describe the expected construction traffic, volumes, type, routes and requirements; (c) Identify appropriate measures and controls to manage the traffic and off- site parking during construction, both within the site and adjacent road network, and how these will be implemented. These measures may include alternative road rerouting, physical barriers, temporary signage, temporary controls at intersections, speed restrictions, management of noise, dust and surface water, and restricted periods of construction operation. Specific consideration is to be given to the safety of school children who use the roading network in the vicinity of the construction site, including direct consultation with Picton School to understand use patterns and risks; (d) Establish procedures to appropriately manage the effects of construction works on the road network capacity, including delays caused by construction related temporary traffic management; (e) Ensure that access to private properties and businesses are retained, where practicable, or alternative access is provided for; and (f) Provide designated parking areas within site compounds and lay down areas for construction workers and construction related visitors' vehicles.
2.7.	<p>Demolition and Earthworks Management (DEM)</p>

	<p>The purpose of the Demolition and Earthworks Management section at 7.4 of the CMP is to manage potential adverse effects on human health and the environment from the disturbance of soil and sediment during the site works.</p> <p>For certification purposes, the DEM section of the CMP shall, at a minimum:</p> <ul style="list-style-type: none"> (a) Detail the operational procedures for the management of demolition materials and earthworks including contaminated soil and water encountered, and set out the steps to be taken to achieve the outcomes in Conditions PA1.10 (b)(a) and PA1.11 - PA1.15; (b) Include project-specific requirements for the handling and management of actually or potentially contaminated soil, surface water and groundwater; and (c) Detail mitigation measures to be adopted to manage potential adverse effects to human health and the environment from the disturbance of soil and sediment during the site works to comply with Conditions PA1.12 - PA1.15.
2.8.	<p>Spill Management and Response Plan (SMRP)</p> <p>A Spill Management and Response Plan (SMRP) shall be prepared as an appendix to the CMP. The purpose of the SMRP is to identify the construction processes, plant and equipment, materials and substances proposed to be used during construction of the project which have a risk of hazardous materials or hazardous substances spillage; and identify the methods and techniques, and management procedures and protocols, including monitoring and reporting, that will be implemented in order to appropriately manage these spillage risks to comply with Condition PA1.16.</p>
2.8.1.	<p>For certification purposes, the SMRP shall, at a minimum set out:</p> <ul style="list-style-type: none"> (a) Steps to achieve compliance with Condition PA1.16. (b) Specific mitigation measures to manage the effects on the marine and freshwater ecology and water quality that must be implemented, which may include but not be limited to: <ul style="list-style-type: none"> (i) Cleaning and maintenance of all civil and marine plant, equipment and machinery before and at regular intervals during use at this site, in appropriate bunded areas incorporating oil/grease traps where possible; (ii) Use of biodegradable hydraulic oils where practicable, particularly for equipment being used in the coastal marine area or in and around waterways; and (iii) Secure and effective plant and equipment refuelling systems and storage measures incorporating secondary containment and/or bunded fuel storage. (c) Details of emergency spill management processes and reporting.
2.8.2.	<p>The SMRP shall require the Consent Holder to:</p> <ul style="list-style-type: none"> (a) Undertake regular monitoring of construction equipment, fuel storage facilities and refuelling systems, and chemical and hazardous substance storage facilities; (b) Maintain a register of all hazardous substances and dangerous goods being stored on site; (c) Implement best practice plant and equipment maintenance and refuelling procedures and methods, and effective management processes including regular inspections, audits, monitoring and reporting; and (d) Ensure that all staff: <ul style="list-style-type: none"> (i) are fully aware of the requirements of the SMRP and the need to protect the environment, (ii) are trained, qualified, and capable of the tasks they are carrying out; (iii) adopt best practice methodologies where required by these conditions or the SMRP; and (iv) behave in accordance with the objectives of the SMRP and the CMP.

2.9.	<p>Erosion, Sediment Control, Dust and Stormwater Management Plan (ESCDSMP)</p> <p>The Consent Holder shall prepare a ESCDSMP as an appendix to the CMP. The purpose of the ESCDSMP is to identify the construction processes, which have a risk of causing erosion, sediment runoff and stormwater runoff; and dust; and identify the methods and techniques, and management procedures and protocols, including monitoring and reporting, that will be implemented in order to appropriately manage this risk to comply with Conditions PA1.5(b), PA1.11(b), PA1.17, PA1.19, PB2.7 and PC2.1.</p>
2.9.1.	<p>For certification purposes, the ESCDSMP shall, at a minimum:</p> <ul style="list-style-type: none"> (a) Set out steps to achieve compliance with Conditions PA1.5(b), PA1.11(b), PA1.17, PA1.19, PB2.7 and PC2.1. (b) Set out best practice methods to minimise or avoid erosion and/or sediment mobilisation into the receiving environment. The methods should generally be in accordance with Auckland Council’s Guidance Document 005 – Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. (c) Include, but not be limited to: <ul style="list-style-type: none"> (i) Contaminant hazard mitigation procedures for contaminated dust, contaminated water supply and personal hygiene; (ii) Contingency measures in the event of accidental/unexpected discovery of contaminated material is found; and (iii) The methodologies to be implemented to provide appropriate fish passage during works in the Waitohi Awa and works in the Waitohi Culvert to meet Condition PA1.5(b) and Condition PC2.1(a). (iv) The methods to manage contaminated surface water. (d) Set out the necessary actions to be taken during disturbance to ensure compliance with Condition PA1.17. which shall include, but not be limited to: <ul style="list-style-type: none"> (i) Monitoring daily weather forecast for high winds > 20 kph and plan work accordingly; (ii) Damping down soil surfaces regularly if dust generation likely; (iii) Monitoring wind speed and direction throughout the work/day; (iv) Ensuring personnel likely to be exposed to dust wear appropriate PPE; and (v) Ensuring soil is not tracked beyond site boundaries by transport vehicles. (e) Set out that if significant odorous material or dust emission issues are encountered, the Consent Holder shall implement the following actions: <ul style="list-style-type: none"> (i) Contact the appropriate Health and Safety Manager and contaminated land consultant and/or regulator representatives for the Project; (ii) Suspend further disturbance in the area until suitable mitigation measures are put in place; (iii) Record the discovery in the daily report and include details of remedial actions; (iv) Limit the duration of soil/refuse/water exposure and handling. (v) Avoid stockpiling where possible; (vi) Apply odour suppressant and cover exposed material to suppress odour emissions; (vii) Consider the use of soil bed filters for odours likely to be emitted for prolonged periods; (viii) Minimise the running of equipment, such as diesel-powered vehicles (trucks, excavators, etc.) when not in use to minimise exhaust odours;

- (ix) Remove excavated odorous or dusty material from site as quickly as possible in covered trucks;
 - (x) Assess whether excavation should be undertaken in a manner that exposes a small area at a time, allowing the soil to ventilate, before exposing another small area, and so on; and
 - (xi) In the event of odours derived from an accidental discovery of contaminated land, engage a contaminated land consultant to undertake an assessment to determine further control measures.
- (f) Include specific mitigation measures to manage the effects of erosion, sediment transport and stormwater runoff on the receiving environment, that must be implemented, which may include but not be limited to:
- (i) Containment bunding of stormwater catchment areas within areas of earthworks, to enable dewatering of any excavated materials, sediment settlement ponds, traps and/or filter systems;
 - (ii) Silt fences around the toe of any stormwater catchment ponds;
 - (iii) Sediment curtain or booms to contain sediment released from construction earthworks at the edge of the waterways or reclamation adjacent to the coastal marine area; and
- (g) Set out the management protocols for contaminated surface water management, which shall include, but are not necessarily limited to the following:
- (i) Surface water is to be diverted away from areas of ground disturbance where contaminated materials are present. Temporary bunding systems including socks, sandbags etc. shall be employed as necessary;
 - (ii) If surface water comes into contact with contaminated materials and dewatering is required, it shall be contained and shall not to be discharged to the stormwater system ~~or wastewater system~~ without treatment or prior testing in accordance with Conditions PA2.9.1(g)(iv) – 2.9.1(g)(vii) below and written approval from MDC to do so;
 - (iii) If contaminated surface water is observed within excavations, it shall be contained and shall not to be discharged to the stormwater system ~~or wastewater system~~ without treatment or prior testing in accordance with Conditions PA2.9.1(g)(iv) – 2.9.1(g)(vii) below and written approval from the Compliance Manager MDC to do so;
 - (iv) All surface water that has come into contact with contaminated materials and all contaminated surface water shall be collected and tested to determine how the liquid is to be disposed of in accordance with section 7.6.4 of the CMP at Condition PA2.5. As a minimum this testing shall include:
 - Testing for suspended solids, heavy metals and hydrocarbons.
- (v) The results of the testing required in condition PA 2.9.1(g)(iv) shall meet the requirements of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines (ANZECC, 2000) Table 3.4.1 'Trigger values for toxicants for freshwater (where available) at the level of protection of 80 per cent of species.
- (vi) Failure to meet this standard will require water treatment, sample collection and repeat analysis to determine if the water meets discharge criteria in accordance with the procedures detailed in the ESCDSMP.
- (vii) If the results meet the respective ANZECC, 2000 criteria, the liquid meets the standard to be discharged to the stormwater network.

Advice Note: This consent ~~only does not~~ authorises the discharge of contaminated stormwater or contaminated dewatering liquid arising from works authorised by this consent, in

	<p><u>carefully controlled circumstances</u>. -Any discharges <u>of contaminants</u> from use of the Port area (including log storage area) for the storage or stockpiling of dredge material shall be undertaken in accordance with existing consents held, relevant permitted activity standards, or by further resource consents granted for such activities.</p> <p><u>Discharges to the wastewater system may require a separate trade waste approval from the MDC.</u></p>
2.9.2.	<p>The ESCDSMP shall require the Consent Holder to:</p> <ul style="list-style-type: none"> (a) Implement best practice earthworks and stormwater management, methods and processes including regular inspections, audits, monitoring and reporting of stormwater discharge quality at the site boundary, particularly after any heavy rainfall events; (b) Ensure that all staff are fully aware of the requirements of the ESCDSMP and the need to protect the environment, are trained, qualified, and capable of the tasks they are carrying out, adopt best practice methodologies where required by these conditions or the ESCDSMP, and behave in accordance with the objectives of the ESCDSMP and the CMP; (c) Take remedial measures as necessary to rectify erosion and sediment management issues or incidents as soon as possible, including any additional temporary works, containment, or filtration measures; (d) Inform the local authority of any incidents or if erosion or sediment and stormwater control objectives are not being achieved. (e) Take all reasonably practicable steps to keep stormwater and surface run-off separated from contaminated soil/water associated with earthworks; and (f) Ensure the establishment, monitoring and maintenance of stormwater/surface water separation and diversion controls.
2.10.	<p>Construction Noise and Vibration Management Plan</p> <p>The draft Construction Noise and Vibration Management Plan (CNVMP), (Appendix Y of the Resource Consent Application), shall be finalised by the Consent Holder, with input from both an acoustic specialist and a marine mammal specialist.</p> <p>The purpose of CNVMP is to:</p> <ul style="list-style-type: none"> (a) Identify and adopt the Best Practicable Option (BPO) for the management of construction noise and vibration, and to minimise any exceedance of the construction noise and vibration criteria set out in Condition PA1.18, as far as practicable; (b) Define the procedures to be followed when the noise and vibration standards in Condition PA1.18 are <u>be-not</u> met; (c) Inform the duration, frequency and timing of works to manage disruption; (d) Require engagement with affected receivers and timely management of complaints; (e) Identify and adopt the BPO for the construction management protocols and methodologies to <u>minimise-manage</u> the underwater noise levels of impact and vibration piling to protect marine mammals and in particular avoid adverse effects on threatened or at-risk species; and (f) Set out how estimates of underwater noise will be validated by instrumental monitoring and how it will be reported to the Compliance Manager MDC.
2.10.1.	<p>For certification purposes, the finalised CNVMP shall, at a minimum include:</p> <ul style="list-style-type: none"> (a) The relevant measures from NZS 6803:1999 "Acoustics - Construction Noise", Annex E2 "Noise management plans"; (b) The relevant measures from DIN 4150-3:1999 "Structural vibration - Part 3 Effects of vibration on structures", Appendix B "Measures for limiting the effects of vibration"; (c) That <u>piling-pile driving</u> will be restricted to the hours of 7am to 7pm, Monday to Saturday, excluding Sundays and public holidays, except where in-water piling is further

constrained by Condition PA2.10.1 ~~(g)(ii)(e)(i), unless otherwise specifically authorised by MDC;~~

- (d) That the Consent Holder shall undertake a pre-construction building condition survey for the Edwin Fox structure, and any building where the vibration levels are predicted to exceed the cosmetic building damage limits in Condition PA1.18 ~~(b)~~. This includes buildings at 45, 49A and 49B Auckland Street and 2 Market Street which are within the predicted cosmetic building damage envelopes set out in *Table 8: Indicative distances for piling to comply with vibration limits at building foundations* of the CNVMP. Copies of the ~~of the~~ survey reports must be provided to the building owner and the Compliance Manager MDC-Council within one month of the survey.
- (e) That the Consent Holder shall undertake a post construction completion building condition survey for the Edwin Fox structure, and any building where the vibration levels are predicted or measured to exceed the cosmetic building damage limits in Condition PA1.18 ~~(b)~~. Copies of the of the survey reports must be provided to the building owner and the Compliance Manager MDC within one month of undertaking the survey.
- (f) That in the event any building condition survey finds vibration damage attributed to construction activities, the Consent Holder shall rectify the damage within six months of the date of the post completion building condition survey. Any such remedial action completed shall be reported to the Compliance Manager MDC.
- (g) Control or mitigation measures to be undertaken that will minimise underwater noise effects on marine mammals and avoid adverse effects on threatened or at- risk species, including:
 - (i) ~~Where Minimise possible using vibration impact~~ piling methods ~~to reduce noise levels where practicable;~~
 - (ii) Restricting in-water impact or vibration pile driving to within half an hour after sunrise and half an hour before sunset (i.e. daylight hours only);
 - (iii) Using piling methods that minimise underwater noise including:
 - (a) 'Soft starts'/ramping up activity (gradually increasing the intensity of impact piling) and
 - (b) the ~~consideration-trial~~ of alternative driving methods; and
 - (c) ~~the consideration of the~~ use of noise dampening measures such as bubble curtains;
 - ~~(iii)(iv)~~ (iv) Using a non-metallic 'dolly' or 'cushion cap' between the impact piling hammer and the driving helmet, (e.g. plastic or plywood);
 - ~~(iv)(v)~~ (v) Establishing Marine Mammal Observation Zone(s) (MMOZ) around the construction area to minimise any risk of hearing impairment or injury (i.e. Temporary Threshold Shift (TTS) or Permanent Threshold Shift (PTS)) to marine mammals from impact and vibration pile-driving activities. These zones shall:
 - (a) take account of difference in pile size, piling method, noise mitigation method/s, and species sensitivity to noise;
 - (b) be based initially on the zones identified in the Marshall Day Acoustics report, dated 11 November 2020 (Tables 10 and 11), and confirmed following the underwater noise monitoring and verification outlined in Condition PA2.10.1 ~~(g)(vi)(v)~~; and
 - (c) meet the TTS thresholds outlined in the following table:

Hearing Group	Impulsive sources (e.g. impact piling)	Non-impulsive sources (e.g. vibratory piling)
High-frequency cetaceans	196 dB L_{peak}	153 dB $SE_{Leum(hf)}$
(Hector's dolphin)	140 dB $SE_{Leum(hf)}$	

	<p>Mid-frequency cetaceans 224 dB L_{peak} 178 dB $SEL_{cum(mf)}$</p> <p>(Orca, common and bottlenose dolphins) 170 dB $SEL_{cum(mf)}$</p> <p>Otariid pinnipeds (Fur Seals) 226 dB L_{peak} 199 dB $SEL_{cum(ow)}$</p> <p>188 dB $SEL_{cum(ow)}$</p>													
	<table border="1" data-bbox="606 555 1426 976"> <thead> <tr> <th>Hearing Group</th> <th>Impulsive sources (e.g. impact piling)</th> <th>Non-impulsive sources (e.g. vibratory piling)</th> </tr> </thead> <tbody> <tr> <td>High-frequency cetaceans (Hector's dolphin)</td> <td>196 dB L_{peak} 140 dB $SEL_{cum(hf)}$</td> <td>153 dB $SEL_{cum(hf)}$</td> </tr> <tr> <td>Mid-frequency cetaceans (Orca, common and bottlenose dolphins)</td> <td>224 dB L_{peak} 170 dB $SEL_{cum(mf)}$</td> <td>178 dB $SEL_{cum(mf)}$</td> </tr> <tr> <td>Otariid pinnipeds (Fur Seals)</td> <td>226 dB L_{peak} 188 dB $SEL_{cum(ow)}$</td> <td>199 dB $SEL_{cum(ow)}$</td> </tr> </tbody> </table> <p>(v)(vi) Underwater noise monitoring of representative impact or vibration pile driving to verify the MMOZ referred to in Condition PA2.10.1(g)(v);</p> <p>(vi)(vii) Ceasing or not commencing impact or vibration piling activities if a marine mammal or diver is observed within the MMZO established under Condition PA2.10.1(g)(v).</p> <p>(vii)(viii) Ceasing or not commencing pile driving activity unless active and continuous visual monitoring by a trained MMO is occurring.</p> <p>(viii)(ix) Providing appropriate Marine Mammal Observer training, suitable observation locations and communication systems to effectively monitor the MMOZ</p>	Hearing Group	Impulsive sources (e.g. impact piling)	Non-impulsive sources (e.g. vibratory piling)	High-frequency cetaceans (Hector's dolphin)	196 dB L_{peak} 140 dB $SEL_{cum(hf)}$	153 dB $SEL_{cum(hf)}$	Mid-frequency cetaceans (Orca, common and bottlenose dolphins)	224 dB L_{peak} 170 dB $SEL_{cum(mf)}$	178 dB $SEL_{cum(mf)}$	Otariid pinnipeds (Fur Seals)	226 dB L_{peak} 188 dB $SEL_{cum(ow)}$	199 dB $SEL_{cum(ow)}$	
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2.10.2.	<p>The certified CNVMP shall be updated or amended and submitted to the <u>Compliance Manager MDC Council</u> for re- certification if:</p> <p>(a) Measured underwater noise levels exceed the predicted levels in the Marshall Day Acoustics report, dated 11 November 2020 (Tables 10 and 11);</p> <p>(b) The MMOZ established exceeds 600 metres; or</p> <p>(c) There is a change in piling method, size or type of piles to be driven which could result in higher noise levels.</p>													
3.	<p>Review Condition</p> <p>In accordance with section 128 of the Resource Management Act 1991, the Marlborough District Council may review the conditions of this consent for the purpose of ensuring unforeseen adverse effects are avoided, remedied or mitigated. Notice of review for such purposes may be given once annually between 1 July and 30 July for the duration of the consent.</p>													

Part B: Application 2A Applicant: Port Marlborough New Zealand Limited; Port Resource Consent

<p>1.</p>	<p>Notwithstanding the requirements of Condition PA1.2, the activities authorised by this consent shall be undertaken in general accordance with the information submitted by the Consent Holder with the application and the plans, listed below:</p> <ul style="list-style-type: none"> - WSP Plans entitled: Port Marlborough New Zealand Limited / KiwiRail, Waitohi Picton Ferry Precinct Redevelopment, Civil Concept Design, Application 2A, dated 11.11.2020; - Shearwater Consulting Limited Plan entitled: Picton Ferry Redevelopment Commercial Berths, Proposed Layout, dated 08.06.2020; - Shearwater Consulting Limited Plan entitled: Picton Ferry Redevelopment Commercial Berths, Context Within Picton Harbour, dated 05.06.2020; - Athfields Architects Ltd Plans entitled: Waitohi Picton Ferry Precinct Redevelopment, Ferry Terminal Building RC.A.T, For Resource Consent, dated 22.07.2020. - Wraight and Associates Ltd Plans entitled: Waitohi Picton Ferry Precinct Redevelopment, Landscape: Resource Consent, Landscape Package 2A Ferry Terminal Precinct & Waitohi Reserve, dated 23 October 2020. <p>Where any conflict between the documents and these conditions of consent exists, the conditions of consent shall prevail.</p> <p>Where there is inconsistency between the documents listed above, the applicants' responses to the clause 25 of Schedule 6 request for further information, and information provided through the Response to Comments, the most recent plans and information prevail.</p> <p><i>Advice Note: In this condition "in general accordance with" does not include changes to the scale of works for which an application under section 127 of the RMA would be required. Minor amendments to the engineering and design of the works may be certified upon request to the Compliance Manager MDC – Marlborough District Council, provided it can be demonstrated to the reasonable satisfaction of Council that:</i></p> <ul style="list-style-type: none"> - <i>the outcome is not materially different than; and</i> - <i>any adverse effects will be no greater than; and</i> - <i>no person would be adversely affected beyond what was granted consent.</i>
<p>2.1.</p>	<p>Design Forum</p> <p>(a) The Consent Holder shall convene a Design Forum, which shall include a representative from each of KiwiRail and Port Marlborough, up to two iwi representatives, including at least one nominated by Te Ātiawa and one independent design expert engaged by the Consent Holder.</p> <p>(b) The purpose of the Design Forum is to provide specific recommendations to the Consent Holder on the final design elements of the Waitohi Picton Ferry Precinct, including landscaping, Māori cultural expression and the terminal building's external materials and finish.</p> <p>(c) The Design Forum shall provide its recommendations to the Consent Holder at least one month before the proposed date of commencement of the stage of construction which includes the terminal building. If the Design Forum cannot reach consensus, it may provide more than one set of recommendations to the Consent Holder, along with an explanation as to the lack of consensus.</p> <p>(d) The Consent Holder shall either accept in full or modify the recommendations of the Design Forum. If the Consent Holder modifies any of the Design Forum's recommendations, the Consent Holder shall provide reasons in writing to the Design Forum and to the Compliance Manager Marlborough District Council as to why any</p>

	<p>changes, in its sole opinion, are appropriate or necessary based on feasibility and practicability of implementation.</p> <p>(e) The Consent Holder shall be responsible for all reasonable costs associated with the resourcing of the Design Forum.</p>
2.2.	<p>Aquarium Coastal Water Take</p> <p>The Consent Holder shall ensure that construction works do not derogate from EcoWorld Aquarium's ability to take coastal water in accordance with resource consent U001220.</p>
2.3.	<p>Monitoring usage of Carparking Spaces at terminal</p> <p>(a) The Consent Holder shall monitor usage of the on-site carparking area that services the ferry terminal building. This monitoring shall involve onsite parking surveys to determine car park occupancy rates. The survey will include a mix of at least two peak days (days falling between 23 December – 31 January) and at least two non-peak days, starting five years from the implementation of this resource consent, and then annually for the following five years.</p> <p>(b) The purpose of this monitoring is to determine whether the number of on-site car parking spaces provided is generally adequate to meet demand. If a survey in any year indicates greater than 90% average occupancy for more than two successive hours on either peak or non-peak days, the Consent Holder shall develop and implement a car parking strategy. The average hourly occupancy shall be calculated separately for peak and non-peak days. The average hourly occupancy shall be calculated over the periods in the day which begin one hour before a ferry arrives and end one hour after a ferry departs.</p> <p>(c) The carparking strategy will list methods the Consent Holder will use to better manage carparking supply, such as, but not limited to, reallocation of carparks between staff, rental car companies and the public, directing drivers to available carparks, and if necessary, provide additional carparks for the public during peak periods.</p> <p>(d) The records will be retained by the Consent Holder and will be made available to the Compliance Manager MDC on request.</p>
2.4.	<p>Avian Monthly Baseline Survey</p> <p>(a) Prior to the commencement of any demolition and construction related activities authorised by this consent, the Consent Holder shall commission a suitably qualified expert to undertake a monthly bird survey over the period of one year to record the presence of any threatened or at-risk indigenous species within 100 metres of the project sites at Picton and Shakespeare Bay.</p> <p>(b) The bird survey must describe the survey method used and record the location, species and numbers present, and behaviour observed (e.g., foraging, roosting, or nesting/breeding). In particular, the survey must record the locations and number of nesting sites of any threatened or at-risk indigenous species within or near to the project footprint, including any sites utilised at Shakespeare Bay.</p> <p>(c) The purpose of this monthly year long bird survey is to inform the development and implementation of the Avian Management Plan in Condition PB3.1.</p> <p>Te Ātiawa shall be invited to identify a suitable person to take part in the monthly survey to enable exercise of their kaitiakitanga role.</p>
2.5.	<p>Dredging Management</p> <p>The following shall be achieved through the implementation of the Coastal Marine Area Protection Management Plan (CMAPMP) at Condition PB3.3:</p> <p>(a) The Consent Holder shall implement best practice dredging methods to minimise water turbidity and underwater noise;</p> <p>(b) The Consent Holder shall undertake regular monitoring of the dredging processes and documentation of dredged spoil as detailed further in Condition PB2.5(c) below.</p>

	<p>(c) To minimise sediment re-suspension and contaminant release during dredging, the Consent Holder shall implement the water quality validation and monitoring system specified in section 7.5.8 of the CMP at condition PA2.5. The monitoring system will require the following:</p> <ul style="list-style-type: none"> (i) Monitoring to be undertaken prior to dredging to establish expected current and tidal direction and background turbidity levels in the harbour. (ii) Monitoring to begin, at a minimum, two days prior to dredging and continue during dredging. Results will be compared at both mid ebb and mid flood tide to the background levels measured to establish a tidal range of values; (iii) Setting of turbidity action trigger levels (based on the outcomes of Condition PB2.5(c)(ii) above) at which dredging will cease; (iv) Monitoring to occur at approximately one metre below water surface and at depth and approximately one metre above the seabed; and (v) At completion of construction a monitoring report will be provided to Marlborough District Council the Compliance Manager MDC. <p>(d) The Consent Holder shall ensure that all relevant staff:</p> <ul style="list-style-type: none"> (i) Are fully aware of the requirements in the DMP and the need to protect the environment, (ii) Are trained, qualified, and capable of the tasks they are carrying out; (iii) Adopt best practice methodologies where required by these consent conditions or the DMP; (iv) Behave in accordance with the objectives of the DMP.
2.6.	<p>Dredge Spoil Management</p> <p>The following shall be achieved through the implementation of section 7.5 of the CMP and the Dredging Management Plan (DMP) at Condition PB3.4.</p> <ul style="list-style-type: none"> (a) Except if tested and confirmed as cleanfill, Dredge dredge spoil excavated from the first 0.75 metres below the seabed shall be classified as contaminated fill and must be handled, stored and disposed to ensure liquid discharges and contaminant stormwater is contained. (b) If the Consent Holder proposes to use dredge spoil excavated from between 0.75 metres and 2.5 metres below seabed as cleanfill, such spoil shall first be representatively tested for the following contaminants to determine whether such use is possible: <ul style="list-style-type: none"> (i) Polycyclic aromatic hydrocarbons (PAH) (ii) Tributyltin (TBT) and dibutyltin (DBT); and (iii) Heavy metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc) (c) Testing of these substances is required to show contaminant levels are less than ANZECC 2000 default guidelines or the same or less than contaminant levels present at the proposed fill disposal site. (d) Dredge spoil to a depth of 2.5 metres below seabed that has been tested and is not classified as cleanfill in accordance with Condition PB2.6(c)(b) above can be: <ul style="list-style-type: none"> (i) used to create stabilised mudcrete. The method for creating stabilised mudcrete shall be in accordance with the DMP; and (ii) blended with cleanfill materials to produce materials that can be classified as managed fill in accordance with definition in the CMP; (e) Leachability testing in accordance with the United States Environmental Protection Agency (USEPA) 1992, Test Method 1311: Toxicity Characteristic Leaching Procedure

of dredge spoil created into stabilised mudcrete is required before it can be reused on site.

- (f) Dredge spoil collected from more than 2.5 metres below seabed can be reused, stockpiled and/or disposed of as cleanfill.
- (g) Containment sites and processing areas for dredged spoil classified as non-cleanfill under section 7.5.5 of the CMP shall be managed so as not to result in any contaminated liquid, dewatering or contaminated stormwater discharges. Any dewatering liquid or contaminated stormwater that meets the ANZECC, 2000 criteria may be discharged to the stormwater network, must be authorised by resource consent held for the containment site.
- (h) Any diverted stormwater from around any containment site must not be greater ~~that than~~ the pre-development discharge volume and will only be discharged into the stormwater system if it meets the standard for discharge to such network or with the written approval of the MDC.
- (i) The Consent Holder shall take the following steps to avoid spillage of dredged sediment transported to the containment sites:
 - (i) Inspections of the site area, including entry and exit points of the containment sites, to identify whether spillages have occurred. Inspections should occur twice per day during transfer of dredged sediment; and
 - (ii) Prompt removal of any identified spillage and transport to a containment site.
- (j) For drying of dredge spoil, all dredge spoil shall be placed in geotextile bags or an alternative method agreed with the Compliance Manager MDC that are designed to contain all sediment.
- (k) The dredge spoil drying containment site shall include:
 - (i) stormwater catchment ponds/bunding with impermeable lining (the impermeable lining may either be part of the geotextile bag or part of the alternative method) to enable the collection of all liquid from the dredge spoil; and
 - (ii) silt fences around the down slope side of stormwater catchment pond/bund.
- (l) Liquid collected during dewatering of dredge spoil shall be contained and tested to determine how the liquid is to be disposed of by testing for suspended solids, heavy metals, hydrocarbons and TBT. The suspended solids shall be collected and tested for TBT and DBT
- (m) The mixing or blending of dredge spoil will not occur at sites identified as The Farm and the Cleanfill Site located in Shakespeare Bay, and as identified on the WSP Plan C-1031 Rev. H.
- (n) The results of the testing required in condition PB2.6(l) shall meet the requirements of the Australian and New Zealand Guidelines for Fresh and Marine Water Quality Guidelines (ANZECC, 2000) Table 3.4.1 'Trigger values for toxicants for freshwater (where available) at the level of protection of 80 per cent of species.
- (o) Failure to meet this standard will require water treatment, sample collection and repeat analysis to determine if the water meets discharge criteria in accordance with the procedures detailed in the ESCDSMP at condition PA2.9.
- (p) If the results meet the respective ANZECC, 2000 criteria, the liquid meets the standard to be discharged to the stormwater network.
- (q) In addition to the requirements set out in the conditions PB2.6(a) – PB2.6(p), dredge spoil containment sites located in Shakespeare Bay shall be managed using best practice erosion and sediment control management in order to avoid (other than minor or transitory) adverse effects on the saltmarsh wetland to achieve compliance with condition PB2.7.

Advice Note: ~~This consent does not authorise the storage, stockpiling of or disposal of dredge spoil at 'The Farm' site or/and the 'Cleanfill Site' located in Shakespeare Bay, and as~~

	identified on the WSP Plan C-1031 Rev. H. Any such activity shall be undertaken in accordance any existing resource consents held and/or any resource consent granted for such activities.
2.7.	<p>Shakespeare Bay Significant Marine Site and Wetland</p> <p>There shall be no physical disturbance of or discharge of contaminants to 'wetland 991' or 'ecologically significant marine site 4.10' (listed in the Proposed Marlborough Environment Plan) located at the head of Shakespeare Bay.</p>
2.8.	<p>Marine Mammal Observers</p> <p>The following shall be achieved by the implementation of the CNVMP at Condition PA2.10:</p> <p>(a) A qualified Marina Mammal Observer (MMO) shall provide continuous watch over the main boundary of the MMOZ for marine mammals during <u>impact and vibration</u> piling operations.</p> <p>(b) A qualified MMO is as defined by the Department of Conservation's observer standards and training Code of Conduct for Seismic Surveys.</p> <p>(c) A Dedicated MMO is a suitably trained MMO to provide additional lookout for marine mammals during <u>impact and vibration</u> piling operations within inner port and marina areas of the MMOZ, when necessary. The training for Dedicated MMOs shall include, but not be limited to:</p> <p>(i) Types of marine mammals likely to be present in the area and how to identify them;</p> <p>(ii) Search and scanning protocol and methods to be used including poor visibility protocols;</p> <p>(iii) Marine mammal behaviours;</p> <p>(iv) Measures to be taken if marine mammals are sighted;</p> <p>(v) Reporting requirements; and</p> <p>(vi) Health and safety requirements specific to undertaking the observations.</p> <p>Te Ātiawa shall be invited to identify appropriate iwi members to be part of the marine mammal observational activities, including being trained as MMOs.</p>
2.9.	<p>Flood Overflow Path</p> <p>The port/railway redevelopment works shall maintain the a fully functional flood overland flow path from the Kent Street Tributary down Lagoon Road to the harbour, no narrower than and maintaining the same contours as so that the capacity of this flow path is not reduced from the pre-development capacity.</p> <p>Advice Note.; theThe existing flow path <u>referred to in this condition is</u>as shown on the 4 drawings in Appendix V to the Comments by Marlborough District Council of 25 February 2021, and plan C-1655 in the Application.</p>
3.	Management Plans
3.1.	<p>Avian Management Plan (AMP)</p> <p>The Consent Holder must prepare and implement an AMP for the purpose of avoiding adverse effects (other than minor or transitory adverse effects) on any threatened or at-risk indigenous bird species from demolition or construction related activities within or near to (within 100 metres) the project sites, including kororā/little blue penguin, torea tai/variable oystercatcher and Caspian tern. The Consent Holder shall ensure the AMP:</p> <p>(a) Is prepared in consultation with the Department of Conservation and Te Ātiawa;</p> <p>(b) Is prepared with input from and reviewed by a suitably qualified expert;</p>

	<p>(c) Includes opportunities for Te Ātiawa to be involved in its implementation and any monitoring required;</p> <p>(d) Is provided to the Compliance Manager MDC for certification in accordance with Conditions PA2.2, PA2.3 and PA2.4, at least one month before any demolition or construction works commence.</p>
3.1.1	<p>For certification purposes, the AMP shall, at a minimum, include the following:</p> <p>(a) Identification of the locations and number of breeding and nesting sites likely to be affected (informed by the results from the monthly year long bird survey at Condition PB2.4);</p> <p>(b) A predator control programme to protect the sites and surrounding areas identified in Condition PB3.1.1(a);</p> <p>(c) Measures to avoid adverse effects (other than minor or transitory adverse effects) on Caspian tern, torea tai and kororā during demolition and construction related activities;</p> <p>(d) Required training of project staff and/or contractors;</p> <p>(e) A description of the methodology for deterrence and provision of alternative sites, relocation and pest control, where required;</p> <p>(f) A description of the methodology for monitoring the success of any deterrence and provision of alternative sites, relocation and/or pest control activities required by the AMP. The methodology shall include actions to be taken should any of these measures not be successful;</p> <p>(g) Provision for site-specific pre-commencement site inspections by a suitably qualified expert within two weeks of the commencement of any stage of demolition or construction related activities to determine if Caspian tern, kororā or tōrea tai (or any other identified threatened or at-risk species indigenous species) are resident in the coastal marine area within 100 metres of the works. The frequency of pre-commencement site inspections (and the need for re-inspections at certain times of year or in the event that works cease for more than two weeks), and need for use of trained and certified seabird detecting dogs, will depend on the timing of the works in relation to breeding season and the risk posed, and must be addressed in the AMP; and</p> <p>(h) Reporting of the records of the site inspections and avoidance and mitigation measures undertaken to the Compliance Manager MDC, Te Ātiawa and the Department of Conservation.</p>
3.1.2	<p>Kororā</p> <p>(a) On the basis of the September-August 2020 bird survey and the monthly year long baseline bird survey recording the locations and number of nesting sites, the Consent Holder shall provide at least two alternative nesting boxes for each nesting site identified as being likely to be affected (i.e. if two identified nesting sites are likely to be affected then four alternative nesting boxes shall be provided). The location and design of the alternative nesting boxes and predator control required for each site must be determined in consultation with the Department of Conservation and Te Ātiawa. The alternative nesting boxes and predator control must be established prior to the commencement of any works within the coastal marine area.</p> <p>(b) In addition to the measures set out in Condition PB3.1.2(a), a suitably qualified expert shall advise whether the proposed construction or demolition works will cause harm to the birds when nesting. If so, the Consent Holder shall cover the potential nesting habitat in the areas with plastic mesh netting to prevent the birds using the site for breeding.</p> <p>(c) In the event that kororā are found, during a site-specific pre-commencement site inspection in accordance with Condition PB3.1.1(g), to be resident within 15 metres of the affected coastal marine area:</p> <p>(i) A suitably qualified expert, in conjunction with a seabird specialist from the Department of Conservation, must determine whether the relocation of the pair to</p>

	<p>new nesting sites would be feasible, taking into account the location of the nest and the traits and habits of the species.</p> <p>(ii) If the suitably qualified expert and the seabird specialist from the Department of Conservation agree that relocation is feasible, and a permit under the Wildlife Act 1953 is granted for that relocation (should such a permit be required), then the disturbed pair shall be relocated by the expert. The Consent Holder shall meet the reasonable costs of that relocation. Relocation should be to one of the alternative penguin nest boxes provided in safe habitat as close as possible to the original site.</p> <p>(iii) If it is determined relocation is not feasible, works must be delayed until the nest is abandoned.</p> <p>(iv) Te Ātiawa shall be advised and kept informed of any relocation efforts.</p> <p>If any pair of kororā is relocated in terms of Condition PB3.1.2(c), the Consent Holder shall donate \$5,000 to Kaipupu Point Mainland Island Society Incorporated and Picton Dawn Chorus (split equally) to contribute to enhancing local habitats. This condition is offered by the Consent Holder on an Augier basis.</p> <p><u>(d) If any pair of kororā is relocated in terms of Condition PB3.1.2(c), the Consent Holder shall donate \$5,000 to Kaipupu Point Mainland Island Society Incorporated and Picton Dawn Chorus (split equally) to contribute to enhancing local habitats. This condition is offered by the Consent Holder on an Augier basis.</u></p> <p>Advice Note:</p> <p><i>The provision of at least two alternative nesting boxes outside the project footprint, based on the location and numbers of previous nesting sites identified in the year long bird survey, should avoid the need for relocation.</i></p>
3.1.3	<p>Caspian tern and torea tai</p> <p>In the event that a pair of Caspian tern or torea tai is found to be resident in the coastal marine area within 200 metres of the construction works in accordance with Condition PB3.1.1(g) above then:</p> <p>(a) The Consent Holder shall engage a suitably qualified expert to train at least two representatives of the Consent Holder in:</p> <ul style="list-style-type: none"> (i) how to sight the identified resident species; (ii) how to recognise the resident species nest prospecting behaviours; (iii) how to recognise when the resident species are preparing to nest or have begun nesting; and (iv) the deterrence methods set out in the AMP, including those listed in Condition PB3.1.3(b) below. <p>(b) From July until October in each year during which construction is proposed within 200 metres of the coastal marine area, a representative of the Consent Holder trained in accordance with Condition PB3.1.3(a) shall undertake daily sightings for the resident species within 200 metres of the proposed construction. Such sightings shall be recorded in a daily log, and any Caspian tern or torea tai sighted shall be deterred from prospecting for nests by methods set out in the AMP include:</p> <ul style="list-style-type: none"> (i) Walking a dog on a leash through the area at varying times throughout the day for up to seven days after a sighting to disturb adult Caspian terns or torea tai; and/or (ii) Parking large vehicles close to where Caspian tern or torea tai are showing an interest. The vehicles shall be started and/or moved from time to time throughout the day for seven days after a sighting; and/or (iii) Laying plastic mesh just above the ground in areas chosen for nesting which will discourage the birds from settling; and/or (iv) Tie large colourful ribbons and streamers tied between posts to discourage birds trying to nest.

	<p>(c) Seven days after a sighting, a representative of the Consent Holder trained in accordance with Condition PB3.1.3(a) shall report to the suitably qualified expert engaged per Condition PB3.1.3(a) as to whether he or she considers that the Caspian tern/torea tai has been deterred from nesting, or whether nesting may have begun. If the expert considers, based on the report, that nesting may have begun, then the expert shall visit the site to verify this.</p> <p>(d) If the suitably qualified expert verifies that nesting has begun, steps shall be put in place to determine whether the nesting birds should be allowed to continue nesting, and if this is not practicable, what steps should be taken to avoid any adverse effects on the nesting birds, including fencing off or protection of the nesting site. Note: Removal/destruction of eggs requires a permit from Department of Conservation and should only be used as a last resort if prior efforts to deter birds have failed.</p> <p>(e) For any pair of Caspian tern or torea tai that is identified as nesting in terms of Condition PB3.1.3(d), the Consent Holder shall donate \$5,000 to Kaipupu Point Mainland Island Society Incorporated and Picton Dawn Chorus (split equally) to contribute to enhancing local habitats. This condition is offered by the Consent Holder on an Augier basis.</p> <p>Advice Notes:</p> <p><i>For the purposes of this consent “resident” means birds that are permanently site attached i.e., birds that carry out the majority of their life at the same location and could not realistically be expected to permanently or temporarily abandon their home range as a result of disruption caused by construction activities.</i></p> <p><i>For the purposes of this condition, a ‘suitably qualified expert’ means an ecologist with a specialisation in seabirds, a post-graduate university degree and at least five years’ experience.</i></p>
3.2.	<p>Navigational Safety Plan (NSP)</p> <p>A project-specific Navigational Safety Plan (NSP) shall be prepared in consultation with the Waitohi Picton Harbourmaster. The purpose of the NSP is to manage the maritime risks to all port users associated with the construction of the proposed new berths and jetty at Waitohi Picton Harbour.</p> <p>The NSP shall, as a minimum include information addressing the following:</p> <p>(a) Managing collision, grounding, contact, wash and mooring risks in accordance with Part 22 of the Maritime Rules, the Marlborough District Council Navigational Bylaw and the Harbourmaster’s directions including by defining:</p> <ul style="list-style-type: none"> (i) Any changes to vessel exclusion and manoeuvring zones surrounding the construction site, construction vessel wash and new infrastructure; (ii) The process for redefining safe navigational channels for all commercial and recreational users during construction at various stages within the Marlborough District Council Navigational Bylaw for the zones in accordance with the Harbourmaster’s directions; (iii) The communication process for informing all port users of changes to zones and channels; (iv) Requiring all vessels involved in the construction project display signals in accordance with Maritime Rule Part 22; and (v) The process for confirming the suitable aids to navigation required on new infrastructure with Harbourmaster.
3.3.	<p>Coastal Marine Area Protection Management Plan (CMAPMP)</p> <p>The Consent Holder shall prepare a CMAPMP, as a specific appendix of the CMP, with input from a coastal processes specialist.</p> <p>The purpose of the CMAPMP is to identify the construction processes and equipment proposed to be used on the project which may cause adverse effects on the coastal marine area, and identify the methods and techniques, and management procedures and protocols</p>

	<p>including monitoring and reporting, that will be implemented in order to appropriately manage any effects of construction work on the coastal marine area.</p> <p>For certification purposes, the CMAMP shall, at a minimum, include the use of the following measures to avoid and or mitigate the effects of construction activity on marine ecology and water quality and comply with Condition PB2.5:</p> <ul style="list-style-type: none"> (a) Cleaning of all marine plant, equipment and machinery before use; (b) Regular inspection and cleaning of all marine plant, equipment and machinery to avoid import or dispersal of invasive marine organisms and thus protect biosecurity; (c) Methodologies to ensure the accuracy of dredging to enable classification of dredge material and minimise over-dredging; (d) Use of appropriate dredging plant and equipment appropriate for the seabed soil types; (e) Securing of construction materials in the coastal marine area to prevent loss into the marine environment, particularly those materials which are prone to be blown by the wind and/or could cause entanglement of marine mammals or fish; (f) Containment and effective dewatering and filtering of dredged spoil in barges or pumped systems within the coastal marine area; (g) All works that disturb the foreshore and seabed shall be undertaken using best practice protocols to minimise water turbidity, including <u>considering</u> the use of sediment curtains. (h) Seashore construction work making best use of low tides. (i) Accuracy and sensitivity for placement of scour protection layers. (j) Use of biodegradable hydraulic oils for all marine plant where practicable. (k) Use of effective and contained refuelling systems and procedures. (l) The adoption of best practice controls to avoid and mitigate potential spills, including having effective and ready emergency spill management processes.
3.4.	<p>Dredging Management Plan (DMP)</p> <p>A Dredging Management Plan (DMP) shall be prepared to manage the effects of any dredging and contaminated dredged spoil and be in accordance with Condition PB2.6.</p> <p>The purpose of the DMP is to identify the construction processes, plant and equipment, and volumes of earthworks materials and substances expected to be handled within the project which have a risk of causing adverse effects on the environment; and identify the methods and techniques, and management procedures and protocols including monitoring and reporting, that will be implemented in order to avoid, remedy or mitigate any adverse effects of the construction work on the environment to comply with condition PB2.6.</p> <p>For certification purposes, the DMP shall, at a minimum:</p> <ul style="list-style-type: none"> (a) Set out steps to achieve compliance with Condition PB2.6; (b) Include specific mitigation measures to manage the effects of the dredging activity and dredge spoil management and reuse, that must be implemented, which may include but are not necessarily limited to: <ul style="list-style-type: none"> (i) Verification testing and monitoring of contaminant levels, and discrete and appropriate management of the various range of levels of contaminated dredge spoils; (ii) Effective containment, transfer and handling procedures for all dredge spoil including marine dredging arisings to minimise any spreading or loss of the dredge spoil; (iii) Effective dewatering and filtering systems and procedures of dredge spoil; and (iv) Water spraying of stockpiles as required to minimise dust emissions and adverse effects on air quality (c) Detail the methods for testing of dredge spoil to determine if it is contaminated;

	<p>(d) Detail the methods for containing, testing and discharging dewatering liquids from the dredge spoil.</p> <p>(e) Detail the methodology for the production of cleanfill that contains contaminated dredge spoil and how this will meet the Australian and New Zealand Environment and Conservation Council. Australian and New Zealand Fresh and Marine Water Quality Guidelines 2000 (ANZECC 2000) at eCondition PB2.6(c)(b) WasteMINZ Technical Guidelines for Disposal to Land (Updated August 2018);</p> <p>(f) Detail the methodology for the production of mudcrete and how this will meet the relevant leachability testing in accordance with the United States Environmental Protection Agency (USEPA) 1992, Test Method 1311: Toxicity Characteristic Leaching Procedure at Condition PB2.6(e)(d);</p> <p>(g) Set out management practices for dredge spoil including quantities, grading and extent of contamination as appropriate;</p> <p>(h) Set out management practices for the re-use of dredge spoil on site and / or the disposal of dredged spoil off-site;</p> <p>(i) Detail appropriate procedures and methods, and effective management processes including regular inspections, audits, monitoring and reporting.</p>
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Part C: Application 2B Conditions – Applicant KiwiRail; Rail corridor works (retaining wall); Regional Resource Consent

1.	<p>The activities authorised by this consent shall be undertaken in general accordance with the information submitted with the application and the following plans:</p> <ul style="list-style-type: none"> • WSP Plans entitled: Port Marlborough New Zealand Limited / KiwiRail, Waitohi Picton Ferry Precinct Redevelopment, Civil Concept Design, Application 2B, dated 06.11.2020; • Wraight and Associates Ltd Plans entitled: Waitohi Picton Ferry Precinct Redevelopment, Landscape: Resource Consent, Landscape Package 2B Railway Retaining Wall Planting, dated 13 November 2020. <p>Where any conflict between the documents and these conditions of consent exists, the conditions of consent shall prevail.</p> <p>Where there is inconsistency between the documents listed above, provided by the applicant as part of the application for resource consent, the applicant's responses to the clause 25 of Schedule 6 requests for further information, and information and plans provided through the Response to Comments, the most recent plans and information prevail.</p> <p><i>Advice Note: In this condition "in general accordance with" does not include changes to the scale of works for which an application under section 127 of the RMA would be required. Minor amendments to the engineering and design of the works may be certified upon request to the Compliance Manager MDC from Marlborough District Council providing any amendments demonstrate that:</i></p> <ul style="list-style-type: none"> • <i>the outcome is not materially different than; and</i> • <i>any adverse effects will be no greater than; and</i> • <i>no person would be adversely affected beyond what was granted consent.</i>
2.1.	<p>Works in Waitohi Awa</p> <p>(a) The Consent Holder shall ensure that, during works in the Waitohi Awa, the flow of water past the works is sufficient to maintain fish passage in accordance with the applicable National Institute of Water and Atmospheric Research New Zealand Fish Passage Guidelines April 2018, unless otherwise agreed with the Marlborough District Council.</p>

	<p>(b) Prior to works commencing that require access to the bed of the Waitohi Awa, the Consent Holder shall install a temporary staff (head) gauge at the existing Broadway Bridge abutment to monitor water levels in the Waitohi Awa.</p> <p>(c) The Consent Holder shall agree a specified cut-off low-water flow level with the Compliance Manager MDC prior to any construction works occurring in the Waitohi Awa.</p> <p>(d) Access to the bed of the Waitohi Awa for construction works shall only occur when levels are at or below the specified low-water-cut-off level agreed with Marlborough District Council in Condition PC2.1(c).</p> <p>(e) The Consent Holder shall ensure that the finished works do not materially reduce the capacity of Waitohi Awa to carry flood waters. This shall be demonstrated when plans are provided to Council in terms of Condition PA1.2.</p>
2.2.	<p>If construction works within Waitohi Awa are scheduled to take place between 1 September and 31 December of any year, then:</p> <p>(a) Prior to such works commencing, a suitably qualified person shall undertake a site inspection to determine if there are any indigenous birds nesting within the riverbed within 50 metres of the construction works; and</p> <p>(b) If nesting is found under Condition PC2.2(a), a suitably qualified person shall confirm that nesting is no longer occurring before works commence.</p>
2.3.	<p>Final design of the section of the retaining wall that is constructed of concrete panels shall be developed in consultation with Te Ātiawa o Te Waka-a-Māui Trust. Such consultation shall occur prior to final plans being provided to Marlborough District Council in accordance with Condition PA1.2.</p>
2.4.	<p>The final design plans of the new retaining wall will be developed with input from a suitably qualified freshwater ecologist to incorporate opportunities for enhancing fish and bird habitat, including overhangs, shading and roosting.</p>

Part D: Application 2C Applicant: Marlborough District Council; Regional Consent for Dublin Street Bridge and Land use Consent for access arrangement changes

1.	<p>The activities authorised by this consent shall be undertaken in general accordance with the information submitted with the application and the following plans:</p> <ul style="list-style-type: none"> WSP Plans entitled: Port Marlborough New Zealand Limited / KiwiRail, Waitohi Picton Ferry Precinct Redevelopment, Civil Concept Design, Application 2C, dated 06.11.2020; Wraight and Associates Ltd Plans entitled: Waitohi Picton Ferry Precinct Redevelopment, Landscape: Resource Consent, Landscape Package 2C Dublin St, dated 23 October 2020. <p>Where any conflict between the documents and these conditions of consent exists, the conditions of consent shall prevail.</p> <p>Where there is inconsistency between the documents listed above, provided by the applicant as part of the application for resource consent, the applicant's responses to the clause 25 of Schedule 6 requests for further information, and information and plans provided through the Response to Comments, the most recent plans and information prevail.</p> <p><i>Advice Note: In this condition "in general accordance with" does not include changes to the scale of works for which an application under section 127 of the RMA would be required. Minor amendments to the engineering and design of the works may be certified upon request to the Compliance Manager – Marlborough District Council, providing any amendments demonstrate that:</i></p> <ul style="list-style-type: none"> <i>the outcome is not materially different than; and</i> <i>any adverse effects will be no greater than; and</i>
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	<ul style="list-style-type: none"> • <i>no person would be adversely affected beyond what was granted consent.</i>
2.1.	<p>Detailed Design of the Dublin Street Overbridge</p> <p>At least 20 working days prior to construction works commencing, the Consent Holder shall provide the Compliance Manager MDC, for the Council's records, with:</p> <p>(a) The architectural design details for the exterior structure of the Dublin Street overbridge and the pedestrian walkway under the Bridge which:</p> <ul style="list-style-type: none"> (i) appropriately manage the adverse visual effects of the bridge structure on the residents of units at 49 Auckland Street; (ii) incorporate characteristics and qualities that are consistent with the overbridge's setting in Waitohi Picton, and with the character and values of the Waitohi Awa and its cultural significance to Te Ātiawa; (iii) in relation to the balustrade and safety barrier design of the Dublin Street Overbridge, reflect the smaller urban setting for the bridge (where this is possible while still achieving safety requirements); (iv) in relation to the walkway under the Bridge, include a mural or imprinting on the concrete designed in consultation with Te Ātiawa; and (v) in relation to the walkway under the Bridge, incorporate Crime Prevention through Environmental Design (CPTED) principles into the safety and access measures; and <p>(b) Evidence that:</p> <ul style="list-style-type: none"> (i) The design process in Condition PD2.1(a) has been undertaken in consultation with Te Ātiawa; (ii) Waka Kotahi New Zealand Transport Agency's Bridging the Gap Design Guide has been used as a basis for the design process in Condition PD2.1(a); (iii) The Consent Holder has consulted with Marlborough Roads and Waka Kotahi New Zealand Transport Agency on the detailed design of the overbridge; and (iv) The Consent Holder has consulted with the Rivers Section of Marlborough District Council on the detailed design of the overbridge in relation to effects on Waitohi Awa.
2.2.	<p>Access Standards</p> <p>(a) A minimum height clearance of 3.0 metres shall be provided under the Dublin Street overbridge for vehicle access to the Council pumping station.</p> <p>(b) A minimum 3.5 metre wide concrete vehicle crossing shall be constructed from the kerb to the boundary of 24 Dublin Street, 45 Auckland Street and 61-65 Auckland Street in accordance with Council's Code of Practice for Subdivision and Land Development dated June 2008. If the new entranceway is not directly adjacent to an existing entranceway, there must be at least a separation distance of 7.5 metres between the centreline of the new vehicle crossing and the centreline of the successive vehicle crossing. Prior to the commencement of works, the Consent Holder must provide Compliance Manager MDC with confirmation obtained from Council's Roding Authority that the location, size, and construction details meet the required standards.</p> <p>(c) A minimum 5.0 metre wide heavy duty concrete vehicle crossing shall be constructed from the kerb to the boundary of 49 Auckland Street in accordance with Council's Code of Practice for Subdivision and Land Development dated June 2008. If the new entranceway is not directly adjacent to an existing entranceway, there must be at least a separation distance of 7.5 metres between the centreline of the new vehicle crossing and the centreline of the successive vehicle crossing. Prior to the commencement of works, the Consent Holder must provide Council with confirmation obtained from Council's Roding Authority that the location, size, and construction details meet the required standards.</p> <p>(d) The Consent Holder shall be responsible for undertaking any boundary changes required to provide the property access requirements and internal manoeuvring for 49 and 61-65</p>

	<p>Auckland Street. The Consent Holder must provide Council with confirmation obtained from Council's Roading Authority that the access provisions meet the required standards.</p> <p>(e) Property access must be maintained to 24 Dublin Street after the completion of the Dublin overbridge. The Consent Holder will be responsible for providing a suitable right of way over 26 Dublin Street and/or 1 Market Street. The Consent Holder must provide Council with confirmation obtained from Council's Roading Authority that the access provisions meet the required standards.</p>
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Appendix 3

20 April 2021

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Attention: Louise Taylor (Mitchell Daysh)

Dear Louise

PANEL'S DRAFT CONDITIONS – CONSTRUCTION NOISE

Overview

My name is Craig Fitzgerald. I am an associate with Marshall Day Acoustics (MDA). I have extensive experience with Port construction noise and vibration.

MDA has been engaged to assess acoustic effects from the proposed Waitohi Picton Ferry Terminal Redevelopment. I have visited the site many times and I have been involved in the following assessments:

- Appendix AA Marshall Day Acoustics Port Operations Noise Assessment¹
- Appendix X Marshall Day Acoustics Construction Noise and Vibration Assessment²
- Appendix Y Draft Construction Noise Vibration Management Plan (CNVMP)³

This letter comments on the Panel's draft **Conditions 1.18, 2.10 and 2.10.1**. My suggested changes are included in the applicants version of the conditions set.

Condition 1.18 (terrestrial construction noise and vibration)

I suggest the following amendments:

- 1.18 (a): Reinstates the deleted text to ensure compliance with the table of performance standards, unless otherwise provided for in the CNVMP in Condition 2.10. In my opinion, this provides three necessary functions:
 1. Links the text requirement with the table of performance standards.
 2. Requires compliance with the table of performance standards (with exception in the next point).
 3. Enables exceedances, but 'triggers' further scrutiny of the Best Practicable Option (BPO). The Construction Noise and Vibration Assessment predicts potential exceedances of the construction noise performance standards for activities near the community interface. The CNVMP is the 'bridge' that ensures the residual noise effects are reasonable.
- 1.18 (a): Formats the table of performance standards to align information in the correct columns.
- 1.18 (b): Reinstates the deleted text to ensure compliance with the vibration standards unless otherwise provided for in the CNVMP in Condition 2.10. The reasons are the same as those for noise above (points 2 and 3). Note that Condition 2.10.1 (d) specifically identifies the dwellings where the vibration standards are predicted to be exceeded.

¹ 'Rp 001 r06 20190376 CF (Picton - Port Operations Noise Assessment)', 10 November 2020

² 'Rp 004 r09 20190376 BL (Picton - Construction Noise and Vibration Assessment)', dated 30 November 2020

³ 'Waitohi Picton Ferry Precinct Redevelopment CNVMP', Rp 005 r08 20190376, 30 November 2020

Condition 2.10 (CNVMP purpose)

The Panel's tracked-changed version states (underlining added for emphasis):

"The purpose of the CNVMP is to: ...

(b) Define the procedures to be followed when the noise and vibration standards in Condition PA1.18 are be met; ..."

This purpose statement was intended to ensure that construction noise and vibration exceedances enabled by Condition 1.18 (see previous page) are sufficiently scrutinised. I suggest reinstating this purpose:

"(b) Define the procedures to be followed when the noise and vibration standards in condition PA1.18 are not met."

Condition 2.10.1 (CNVMP components)

I suggest the following amendments:

- (a) and (b): No changes.
- (c): Apply to "*pile driving*" rather than "*piling*" generally.
From my experience of observing and monitoring marine piling projects, the key community concern will relate to impact and vibro pile driving. This is by far the loudest component of piling. It is also a relatively short interval within the total period to install a pile. Much of the piling components are much quieter (e.g. ground preparatory works, pile setup, alignment, concrete works).
- (d): Delete repeated "*of the*" in the final sentence.
- (e): Add "*or measured*" to reflect the triggered CNVMP monitoring regime.
- (f): No comments.
- (g) (i): Change to "*minimise impact piling methods where practicable*". I expect this aligns with what was intended. "*Where possible using vibration piling methods*" could result in perverse outcomes:
 - o Subsequent part (iii) requires consideration of alternative driving methods (e.g. bored piling). This requirement may unintentionally favour vibro piling methods over bored piling methods.
 - o From my experience of observing and monitoring marine piling projects, contractors will generally prioritise vibro over impact piling methods because it is quicker. However, the contractor will switch to impact piling when vibro becomes inefficient (at refusal). It may be "*possible*" to keep vibro piling, but may not be practicable and/or result in extensive vibro piling driving duration. The Marine Mammal Observation Zones (MMOZ) are exposure based (combination of noise level and duration). A combination of vibro and impact piling is often the most efficient to reduce overall exposure.
- (g) (iii): Change "*trial*" back to "*consideration*" and list the measures for clarity. For example, "*alternative driving methods*" have already been considered and implemented during the design process, resulting in the largest CMA piles changing from impact/vibro to bored piling methods. However, requiring a trial of bored piling in all cases may not always be practicable (e.g. Geotech requirements, contractors experience, cost etc).
- (g) (iv – ix): Other project team members to comment.

I trust this information is satisfactory. If you have any further questions please do not hesitate to contact me.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

Craig Fitzgerald
Associate