

Appendix 1 - Proposed Resource Consent Conditions

Definitions

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

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	Beach Nourishment Plan.
BPP	Bird Protection Plan.
CEMP	Construction and Environmental Management Plan.
Certify, certification and certified	In relation to a management plan, means assessed by Council staff acting in a technical certification capacity and, in particular, whether the document or matter is technically consistent with the requirements contained within the conditions of this consent.
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.
Commencement of Construction	The time when Construction Works (excluding site investigations and Enabling Works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and Enabling Works) undertaken under these resource consents.
Consent Holder	Hutt City Council.
Enabling Works	Includes the following and similar activities: (a) geotechnical investigations (including in the CMA), including access on land for these investigations; (b) establishing site yards, site offices, site entrances and fencing; (c) establishing bird protection areas for Little Penguin and Shoreline Forager populations and an oystercatcher protection area; (d) demolition or removal of buildings and structures; (e) relocation of services; and (f) establishing minimisation measures (such as erosion and sediment control measures).
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LUDP	Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated [5 February](#)22 January 2021.

Acronym/Term	Definition
RMA	Resource Management Act 1991.
Shoreline Forager	Variable oystercatcher and red-billed gull.
SRHP	Seawall and Revetment Habitat Plan.
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

General Conditions (GC)

Ref	Condition
<i>General and Administration</i>	
GC.1	<p>Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder:</p> <ul style="list-style-type: none"> (a) in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019; (b) in response to further information requests; and (c) in its evidence for the Hearing Panel.
GC.2	<p>Where there is inconsistency between:</p> <ul style="list-style-type: none"> (a) information provided by the Consent Holder under Condition GC.1, the most recent information and plans shall prevail; and (b) information provided by the Consent Holder under Condition GC.1 and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of the Commencement of Construction at least 20 working days prior to that date.
GC.4	The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	<ul style="list-style-type: none"> (a) Conditions (b) to (k) below apply to <u>the CEMP (Condition GC.6) and the all management plans listed in Condition GC.8 required by these conditions.</u> (b) All management plans shall be prepared in consultation with relevant suitably qualified and experienced persons. (c) All management plans shall be reviewed by suitably qualified and experienced persons (as appropriate). (d) All management plans shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction <u>for the Project or, if construction is staged, then at least 30 working days prior to Commencement of Construction on the relevant stage of the Project.</u> (e) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions. (f) All management plans may be submitted for certification in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities.

Commented [A1]: Responds to Question 7.

Commented [A2]: Responds to Question 11.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated [5 February 22 January](#) 2021.

Ref	Condition																				
	<p>(g) Any certified management plan may be amended, if necessary, to reflect any minor changes in design, construction methods, or the management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, unless those amendments would result in a materially different outcome to that described in the original plan. Those minor amendments do not require certification, but the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant).</p> <p>(h) Any material amendments to a certified management plan shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents.</p> <p>(i) If no comments are received on a management plan submitted under (d) or an amended management plan in (h) within 15 working days, then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.</p> <p>(j) Should the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) refuse to certify a management plan, or a part or stage of a management plan, the Consent Holder shall submit a revised management plan (or part or stage) for certification as soon as practicable. Should certification of the revised plan (or part or stage) be refused, then the Consent Holder must, within 10 working days of the refusal, engage a suitably qualified, mutually acceptable independent expert to resolve the matters in dispute. The expert shall resolve the matters within 10 working days of being engaged and his or her decision shall be final. The cost of such a process will be met by the Consent Holder.</p> <p>(k) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or resourceconsents@huttcity.govt.nz and include the reference WGN190301 or RM190124 (as relevant) and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>Advice note: Any preliminary works which do not require resource consent or are permitted activities can be undertaken prior to the certification of any management plans.</i></p> <p><u>Advice note: Responsibility for certification, monitoring and enforcement of the various plans and management plans is as follows:</u></p> <table border="1"> <thead> <tr> <th></th> <th>Manager, Environmental Regulation (GWRC)</th> <th>Team Leader, Resource Consents (HCC)</th> <th>Condition(s)</th> </tr> </thead> <tbody> <tr> <td>Engineering Plans and Specifications</td> <td>✓</td> <td></td> <td>C.1 – C.3</td> </tr> <tr> <td>Landscape and Urban Design Plan (LUDP)</td> <td>✓</td> <td>✓</td> <td>LV.1 – LV.4</td> </tr> <tr> <td>Bay Specific Urban Design Plans (BSUDP)</td> <td>✓</td> <td>✓</td> <td>LV.5 – LV.7</td> </tr> <tr> <td>Beach Nourishment Plan (BNP)</td> <td>✓</td> <td></td> <td>EM.13 – EM.18</td> </tr> </tbody> </table>		Manager, Environmental Regulation (GWRC)	Team Leader, Resource Consents (HCC)	Condition(s)	Engineering Plans and Specifications	✓		C.1 – C.3	Landscape and Urban Design Plan (LUDP)	✓	✓	LV.1 – LV.4	Bay Specific Urban Design Plans (BSUDP)	✓	✓	LV.5 – LV.7	Beach Nourishment Plan (BNP)	✓		EM.13 – EM.18
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Engineering Plans and Specifications	✓		C.1 – C.3																		
Landscape and Urban Design Plan (LUDP)	✓	✓	LV.1 – LV.4																		
Bay Specific Urban Design Plans (BSUDP)	✓	✓	LV.5 – LV.7																		
Beach Nourishment Plan (BNP)	✓		EM.13 – EM.18																		

Commented [A3]: Responds to Question 6.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Ref	Condition			
	Bird Protection Plan (BPP) including monitoring	✓		EM.3 – EM.9
	Seawall and Revetment Habitat Plan (SRHP)	✓		EM.19
	Construction Environmental Management Plan (CEMP)	✓	✓	GC.6 – GC.10
	Traffic Management Plan (TMP)		✓	GC.11-GC.13
	Monitoring of seagrass	✓		EM.11(c) – (e)
	Monitoring of fish passage	✓		EM.12 (c)
Construction and Environmental Management Plan				
GC.6	<p>(a) The Consent Holder shall prepare a CEMP for the relevant Project stage (excluding site investigations and Enabling Works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to avoid or minimise adverse effects arising from the Construction Works. <p><i>Advice note: Any investigations or works outside of those consented which penetrate groundwater and/or any contaminated land investigations that do not comply with permitted standards will require separate consents.</i></p>			
GC.7	<p>The CEMP shall include:</p> <ul style="list-style-type: none"> (a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis. Works in the subtidal areas shall reflect Condition C.6(d) in that there is flexibility in terms of maximum length of seawall construction for works in these areas, but not for works outside of the subtidal areas. (b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8; (c) The final construction methodologies; (d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, and email address); (e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid or minimise potential adverse effects, including in relation to the relocation of fish under Condition EM.10; 			



Proposed resource consent conditions for the
Eastern Bays Shared Path Project

Dated [5 February](#)22 January 2021.

Ref	Condition
	<ul style="list-style-type: none">(f) The proposed hours of work;(g) Details of any public access restrictions and what measures will be in place to minimise disruption to public access;(h) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking;(i) The clear identification and marking of the construction areas within the CMA;(j) Where machinery is to be within the CMA, a list of that machinery and a protocol developed in consultation with an experienced ecologist for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations;(k) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities;(l) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.6;(m) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA or groundwater. Such procedures and measures shall include, but are not limited to:<ul style="list-style-type: none">(i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment;(ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA or the stormwater system;(iii) Keeping the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works;(iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP;(v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA and the stormwater system;(vi) Storing any hazardous substances so that they will not enter the CMA;(vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work no wet concrete or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA;(viii) Ensuring that piling or seawall construction and ancillary work within the CMA complies with Condition C.6;(ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment;(x) Removing any temporary construction materials and debris associated with the Construction Works from the CMA; and(xi) In consultation with Wellington Water Limited, developing a site-specific methodology for dewatering and managing effects on the aquifer where the excavation and/or depth of any required seawall foundation exceeds 2.5 m Below Ground Level;



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Dated 5 February 2021.

Ref	Condition
	<p>(n) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, the location of the work, and are informed about the expected duration and effects of the work;</p> <p>(o) Means for maintaining public pedestrian access along Marine Drive during construction;</p> <p>(p) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up;</p> <p>(q) Measures for protecting the site from tidal intrusion and storm events, and protocols to address any overtopping event that may occur during construction;</p> <p>(r) Appropriate management triggers that initiate on-site investigation of erosion and sediment controls and supporting monitoring and reporting measures;</p> <p>(s) Consideration of fish passage in the locations outlined in Condition EM.12;</p> <p>(t) The type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.9;</p> <p>(u) The existing gravel beach vegetation at Lowry Bay (native species, including the pīngao) to be translocated into the beach nourishment area immediately seaward of the shared path footprint in accordance with direct transfer rehabilitation principles as practicable;</p> <p>(v) Measures to avoid, where practicable, the use of machinery and any other disturbance of existing native vegetation on gravel beaches in the construction zone where that vegetation is to remain;</p> <p>(w) Procedures for transplanting the six At Risk species in the landscape plantings at Point Howard and Windy Point to adjoining currently grassed areas or to adjoining reserves (such as Whiorau);</p> <p>(x) The <i>Atriplex cinerea</i> plantings at York Bay and Claphams Rock to be protected from the effects of vehicles;</p> <p>(y) Identification of opportunities to retain existing native vegetation patches between the shared path and revetment;</p> <p>(z) Procedures to monitor every 6 months for any post-construction establishment of invasive weeds (including boneseed and old man's beard) within areas affected by the works and for their removal as appropriate for a period of two years after works in any one bay are completed; and</p> <p>(aa) Measures to reuse suitable beach material as outlined in Condition EM.14(g); and</p> <p>(bb) Procedures for monitoring as follows:</p> <p style="padding-left: 40px;">(i) seagrass monitoring (Condition EM.11);</p> <p style="padding-left: 40px;">(ii) intertidal and subtidal invertebrate monitoring (Condition EM.18); and</p> <p style="padding-left: 40px;">(iii) cultural monitoring (Condition MW3(e)).</p> <p>(aa)(cc) Methods to manage potential dust and noise effects during construction.</p>
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <p>(a) Landscape and Urban Design Plan (including Bay Specific Urban Design Plans as appropriate) (refer to Conditions LV.1 to LV.7);</p> <p>(b) Beach Nourishment Plan (refer to Conditions EM.13 to EM.14);</p> <p>(c) Bird Protection Plan (refer to Conditions EM.3 to EM.3C);</p> <p>(d) Traffic Management Plan (refer to Conditions GC.11 to GC.13); and</p> <p>(e) Seawall and Revetment Habitat Plan (refer to Condition EM.19 below).</p>

Commented [A4]: Responds to question 9.

Commented [A5]: Responds to Question 10 but no separate Monitoring Plan is proposed for the reasons set out in the covering email.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated ~~5 February~~22 January 2021.

Ref	Condition																																		
	If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.																																		
GC.9	All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained (and amended in accordance with GC.5(g) and (h) as necessary) throughout the entire period of the Construction Works.																																		
GC.10	The Consent Holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent are kept on site at all times and available for inspection on request by the Wellington Regional Council.																																		
<i>Traffic Management Plan</i>																																			
GC.11	The Consent Holder shall prepare a TMP to append to the CEMP and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.																																		
GC.12	The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.																																		
GC.13	<p>The TMP shall include, but not be limited to, the following:</p> <p>(a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety and manage delays to road users (especially during peak times), minimise disruption to property access, and methods to keep the public informed about potential impacts on Marine Drive;</p> <p>(b) Access and parking for contractors; and</p> <p>(c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort site at Point Howard (including communication and any necessary physical management steps); and.</p> <p>(d) <u>Methods to monitor the performance of the TMP and traffic control measures. Outcomes of any such monitoring shall be included, as appropriate, in future revisions to the TMP to, over time, provide improved road management associated with Construction Works.</u></p>																																		
<i>Construction Noise</i>																																			
GC.14	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L_{Aeq}(15 min)</th> <th>L_{AFmax}</th> </tr> </thead> <tbody> <tr> <td colspan="4">Residential buildings</td> </tr> <tr> <td rowspan="4">Weekdays</td> <td>0630h – 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>65dB</td> <td>80dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45dB</td> <td>75dB</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> </tbody> </table>	Day	Time	L _{Aeq} (15 min)	L _{AFmax}	Residential buildings				Weekdays	0630h – 0730h	55 dB	75 dB	0730h – 1800h	70 dB	85dB	1800h – 2000h	65dB	80dB	2000h – 0630h	45dB	75dB	Saturdays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	70 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB
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<i>Infrastructure matters</i>																									
GC.15	The Consent Holder shall enter into an agreement with CentrePort prior to any Construction Works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105) adjacent to the CentrePort wharf (Point Howard) to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.																								
GC.15A	<p>The Consent Holder shall notify New Zealand Oil Services Limited (NZOSL) and Z Energy Limited 2 months prior to the Commencement of Construction at Point Howard and consult to ensure that the Project and wharf line upgrade construction projects at and in the vicinity of Point Howard are appropriately coordinated.</p> <p>The Consent Holder shall ensure the following are maintained at all times:</p> <p>(a) Vehicle and pedestrian access to the oil wharf; and</p> <p>(b) Access to the pipelines located on the northern side of Point Howard for inspections and maintenance and emergency response vehicles for the pipeline upgrade works as provided by Consents WGN020014 [35851], WGN190093 [35846], [35847], [35848], [35849], [35850], [35963], [35964], [35966] and RM180271.</p>																								
GC.15B	The Consent Holder shall consult with the relevant infrastructure and network utility providers regarding the scope and timing of necessary utility relocation and protection works to ensure their ongoing operation and that any safety hazards for the required works are minimised as far as practicable.																								
<i>Completion of Construction</i>																									
GC.16	After the Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.																								
GC.17	The Consent Holder shall ensure that on Completion of Construction the site is left in a tidy manner, including all litter associated with the works being removed.																								
GC.18	The Consent Holder shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works in consultation with a suitably qualified ecologist.																								
<i>Incidents - General</i>																									
GC.19	The Consent Holder shall maintain a permanent record of any incidents such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent or any exceedances of the management trigger developed under Condition GC.7(r) that occur at individual work stages that result, or could result, in an adverse effect on the environment.																								
GC.20	<p>The record shall include:</p> <p>(a) The type and nature of the incident;</p>																								

Commented [A6]: No change proposed for reasons set out in covering email.



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Ref	Condition
	(b) Date and time of the incident; (c) Weather conditions at the time of the incident (as far as practicable); (d) Assessment of the effects of the incident; (e) Measures taken to remedy the effects of the incident; and (f) Measures put in place to prevent the incident from reoccurring.
GC.21	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
GC.22	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any incident under Condition GC.19.
GC.23	The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of an incident occurring under Condition GC.19. This report shall include the matters listed in Condition GC.20. <i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i>
<i>Complaints Management</i>	
GC.24	The Consent Holder shall maintain a complaint register that includes: (a) The details of each complaint; (b) Actions taken to investigate the complaint (if any); (c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint; (d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and (e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints. <i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i>
GC.25	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation on request.
<i>Consent Lapse</i>	
GC.26	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of their commencement in accordance with section 116 of the RMA.
<i>Review of conditions</i>	
GC.27	Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA one year from the Commencement of Consent and every year thereafter in order to deal with: (a) any adverse effect on the environment which may arise from the exercise of the consent that is appropriate to deal with at a later stage; or (b) any other adverse effect on the environment on which the exercise of the consent may have an influence.
<i>Transport</i>	
GC.28	An independent road safety audit shall be undertaken at the detailed design stage and at the pre-opening/post-construction stage.



Proposed resource consent conditions for the
Eastern Bays Shared Path Project

Dated [5 February 2021](#).



Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	<p>At least 30 working days prior to the Commencement of Construction <u>of the Project (or, if the Project's construction is staged, then at least 30 working days prior to Commencement of Construction on the relevant stage)</u>, the Consent Holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of the footprint within the CMA including any de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations, and areas where the construction area will extend into the subtidal zone) prepared by a suitably qualified and experienced engineer in general accordance with the documents listed in Condition GC.1 to the Manager, Environmental Regulation for certification using the process in Condition GC.5.</p> <p>The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.</p>
C.2	<p>The engineering plans and specifications submitted under Condition C.1 shall cover the following matters:</p> <ul style="list-style-type: none"> (a) Shared path; (b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall; (c) Revetment design, including: <ul style="list-style-type: none"> (i) The process to determine the rock used in the rock revetment having regard to minimising potential effects on natural character and the selection of rock for the revetment structures. Decisions shall be made in consultation with a suitably qualified and experienced landscape architect where more than one suitable rock source is identified; (ii) The reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock (where possible) without compromising structural integrity, including the drilling of rock pools into the hard revetment rock of intertidal areas; and (iii) The design of the revetments should look at all options to reduce the revetment footprint without compromising the structural integrity of the seawall, overtopping protection, or coastal processes; (d) Access steps, ramps, bus stops; and (e) Beach nourishment.
C.3	The Consent Holder shall comply with the engineering plans and specifications certified under Condition C.1.
<i>Occupation of the CMA</i>	
C.4	The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.
C.5	The right to permanently occupy part of the CMA is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.
<i>Erosion and sediment control</i>	
C.6	<p>Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below, and the certified CEMP.</p> <p>Measures within the CMA may include, but not be limited to, the following considerations:</p>

Commented [A7]: Responds to Question 11.



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Ref	Condition
	<p>(a) Not exposing non-native backfill material to the sea.</p> <p>(b) Use of weight-bearing mats on the foreshore substrate.</p> <p>(c) Methods for isolating and containing the construction area including:</p> <ul style="list-style-type: none">(i) Bunding/shuttering in a predominantly gravel/sand beach zone; and(ii) Alternative sediment control devices such as geotextile containers or tubes filled with locally sourced sand in rocky shore habitats, or where the seawall works occur close to the mid tide mark. <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate. For example, if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
Contaminant Release	
C.7	<p>The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA, and shall ensure that the sediment concentrations of any discharge of sediment laden water to the stormwater system or the CMA do not exceed 100g/m³. Such measures shall be included in the CEMP.</p> <p><i>Advice note: Any discharge that can be attributed to the Project in accordance with section 107 of the RMA should not, after reasonable mixing, give rise to any of the following effects in the CMA:</i></p> <ul style="list-style-type: none">(a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials (excluding suspended sediment);(b) Any conspicuous change in colour or visual clarity; or(c) Any significant adverse effects on aquatic or marine life.
CMA footprint	
C.8	<p>The total CMA footprint for the Project is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1, but shall not exceed 3000m² within below the MHWS.</p> <p><i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i></p>
C.9	<p>Imported fill material to be used in the seawalls and revetments shall be restricted to clean natural sand, gravels and rock.</p>
C.10	<p>The Consent Holder shall maintain a log recording the source of the materials imported onto each seawall and revetment on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.</p>

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Ref	Condition
<i>As-Built Certification</i>	
C.11	<p>The Consent Holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145) a set of 'as built' plans, final topographic and bathymetric data covering the finished works (if relevant), and appropriate certification confirming that the new structures and structures have been built in accordance with sound engineering practice within 60 working days of the Completion of Construction.</p>
<i>Maintenance of Structures</i>	
C.12	<p>The Consent Holder shall remain responsible for all works authorised under this consent and shall maintain all seawalls and structure(s) that are required to occupy areas of the CMA to the satisfaction of the Manager, Environmental Regulation so that:</p> <ul style="list-style-type: none">(a) any material erosion, scour or instability of the CMA that is attributable to the structures and works carried out as part of this consent is remedied by the Consent Holder;(b) the structural integrity of any structure remains sound in the opinion of a Professional Chartered Engineer; and(c) access to the coastal marine area is not further impeded by the structures. <p>Any maintenance or repair shall be undertaken to the satisfaction of the Manager, Environmental Regulation.</p> <p><i>Advice note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the seabed or foreshore) following completion of the Construction Works as proposed in the application may require further resource consents.</i></p>



Ecological Management (EM)

Ref	Condition
<i>Bird Protection measures</i>	
EM.1	<p>In order to avoid or minimise adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <ul style="list-style-type: none">(a) Seek dog control measures in accordance with Condition EM.2;(b) Prepare a Bird Protection Plan (BPP) in accordance with Conditions EM.3 to EM.3C;(c) Undertake Construction Works in accordance with Conditions EM.4 to EM.4D;(d) Deliver pest management in accordance with Condition EM.5;(e) Deliver the protection areas in accordance with Conditions EM.6 to EM.6E;(f) Deliver rubbish and waste management in accordance with Condition EM.7;(g) Complete reviews of the protection areas (Conditions EM.8 to EM.8C);(h) Complete a study of variable oystercatchers (Condition EM.8D); and(i) Complete a public education awareness programme for avifauna in accordance with Condition EM.9. <p>In relation to:</p> <ul style="list-style-type: none">(j) pest management, the Consent Holder shall provide up to a maximum of \$60,000 to be used to implement the measures set out in the Pest Management Strategy;(k) the protection areas in Conditions EM.6B to EM.6E, the Consent Holder shall:<ul style="list-style-type: none">(i) provide up to a maximum of \$300,000 to be used to establish the protection areas (including, if required, the potential additional area in Condition EM.2(d)) in accordance with the BPP; and(ii) provide up to a maximum of \$6,000 per year for the duration of the consents for the ongoing management of the protection areas;(l) the variable oystercatcher study in Condition EM.8D, the Consent Holder shall provide up to a maximum of \$30,000; and(m) the public education programme in Condition EM.9, the Consent Holder shall provide up to a maximum of \$15,000. <p>All the sums above include GST.</p> <p>The Consent Holder shall report to the Manager, Environmental Regulation and the Manager, Regulatory Services, Hutt City Council when the monies specified above have been allocated. Any monies not fully spent to the maximum sums above shall be allocated to ongoing management (including pest control) within the protection areas and/or the public educational campaign in Condition EM.9.</p> <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
<i>Dog control measures</i>	
EM.2	<p>The Consent Holder shall within 12 months of the Commencement of Consent initiate the required statutory process to exclude dogs from:</p> <ul style="list-style-type: none">(a) the foreshore and beach area of Rona Bay abutting Bishops Park protection area and running for the same length, as shown indicatively in Appendix 1; and(b) the foreshore and beach area of Sorrento Bay from the southern end of the Sorrento Bay oystercatcher protection area and running to the northern end of the oystercatcher managed works zone, as shown indicatively in Appendix 1.



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Ref	Condition
	<p>Should the dog exclusions over the foreshore and beach areas outlined above not be successfully delivered the Consent Holder shall:</p> <p>(c) review the fencing options for the Bishops Park and the Sorrento Bay protection areas;</p> <p>(d) develop and implement, in consultation with the Manager, Environmental Regulation and the Eastbourne Dunes Restoration Group, a revegetation plan (with the purpose to support the replacement, as appropriate, of marram grass within this area with natives or other suitable coastal species enhancement of the area for shorebirds through appropriate replacement of exotic plants (in particular marram grass) and planting for screening), and install signage in accordance with Condition LV.7(k) and (l) and pest management in accordance with Condition EM.5 at the potential additional revegetation area which covers the areas of existing vegetation between the Rona Bay pier and the HW Shortt Park protection area, as shown indicatively in Map 3 of Appendix 1; and</p> <p>(e) investigate alternative dog control measures that may be available and the details of any enforcement or compliance measures that may be implemented, and report back to the Manager, Environmental Regulation and the Manager, Regulatory Services, Hutt City Council.</p>
<i>Bird Protection Plan – preparation and certification</i>	
EM.3	The Consent Holder shall prepare a BPP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3A	<p>The purpose of the BPP shall be to as far as reasonably practicable avoid, but otherwise minimise, adverse effects on Little Penguins and Shoreline Foragers in the Project area and adjacent areas (including existing revetment, the coastal edge running along the length of the Project area and the bird protection areas set out in Conditions EM.6 to EM.6E).</p> <p>The objectives of the BPP shall be to:</p> <p>(a) Maintain or enhance the level of habitat and species diversity post-construction of the Project comparative to that existing pre-construction.</p> <p>(b) Maintain or enhance habitat for Little Penguins and Shoreline Foragers along the Eastern Bays coast comparative to pre-construction of the Project.</p>
EM.3B	The BPP shall be prepared by a suitably qualified and experienced ecologist in consultation with the Little Penguin Interest Group, Eastbourne Dunes Restoration Group, and the Mana Whenua Steering Group.
EM.3C	<p>The BPP shall include:</p> <p>(a) nesting and construction measures (Conditions EM.4 to EM.4C);</p> <p>(b) staff and contractor training requirements (as necessary and reasonable);</p> <p>(c) suggested signage locations and content to be incorporated as appropriate within the BSUDPs under Condition LV.7;</p> <p>(d) opportunities to avoid or further minimise effects on Little Penguins and enhance Little Penguin habitat through detailed design (through linkage to the CEMP in Condition GC.8), including:</p> <p>(i) potential seawall design opportunities to restrict road access for Little Penguins; and</p> <p>(ii) potential rock rip rap design opportunities to include key holes for Little Penguin nests;</p> <p>(i) a Pest Management Strategy (Condition EM.5);</p> <p>(j) a plan for works within 100m of a Shoreline Forager nest (Condition EM.4D);</p>

Commented [A9]: Responds to Question 20.



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Ref	Condition
	<p>(k) the final boundary, fence design and details of the four bird protection areas to be established (Conditions EM.6 to EM.6E and Appendix 1);</p> <p>(l) rubbish and waste management (Condition EM.7);</p> <p>(m) a framework for a public education programme for avifauna (Condition EM.9);</p> <p>(n) identification of important habitat for Shoreline Foragers including opportunities for screening or barriers at these areas as provided through Condition LV.7;</p> <p>(o) a description of measures to ensure the protection areas are appropriately managed and maintained to maximise opportunities for habitation by Little Penguins and Shoreline Foragers for the duration of the consents; and</p> <p>(p) a summary of consultation in Condition EM.3B including a response to matters raised during consultation that have not been adopted and the reasons why.</p>
<i>Bird Protection Plan – Nesting and construction measures</i>	
EM.4	Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active nesting or moulting sites identified in Condition EM.4A.
EM.4A	<p>The BPP shall contain measures to avoid or minimise adverse effects on Little Penguins during construction, including:</p> <p>(a) A staged process developed by a suitably qualified and experienced independent Little Penguin expert for Construction Works in each bay to locate and protect active Little Penguin nesting and moulting sites within the construction area prior to the Commencement of Construction.</p> <p>(b) The staged process in (a) shall be detailed in the BPP but, unless (c) or (d) applies, shall include:</p> <ul style="list-style-type: none">(i) Identification of areas within the bay and within the construction area that provide suitable Little Penguin nesting habitat;(ii) Undertaking, within 5 working days of the Commencement of Construction in each bay, a Little Penguin dog detection survey of any identified area in (i) to identify active nesting and moulting sites;(iii) Either complete Construction Works within the surveyed area in (ii) within 10 working days or ensure the surveyed area is secured from penguin access as soon as reasonably practicable and no later than 2 working days from the completion of the survey (unless an active nesting or moulting site is located, in which case access to that site shall be enabled and Condition EM.4 applies) until Construction Works within the area are completed;(iv) Twice weekly inspection of any Little Penguin exclusion measures in (iii) and if any are found to be damaged, they shall be reinstated within 24 hours of the inspection unless it is unreasonable given weather conditions in which case they must be reinstated as soon as reasonably practicable; and(v) If repairs under (iv) are not completed within 24 hours, then the Consent Holder shall consult the Little Penguin expert on the need for a new Little Penguin detection survey prior to the Commencement of Construction. If the Little Penguin expert determines that repairs are required, a Little Penguin detection survey shall be undertaken in accordance with (ii) (as relevant). <p>(c) Where the Little Penguin expert considers that the process in (b) would not result in the best outcome for Little Penguins in a particular area or bay an alternative process may be provided which shall include an explanation as to why the process in (b) is not recommended to be followed.</p> <p>(d) A detailed description of any alternative process (or processes) available should a Little Penguin detection dog not be reasonably available to undertake a survey in accordance with (b)(ii).</p>



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Ref	Condition
	<p>(e) A detailed description outlining how any Little Penguins encountered during survey or Construction Works will be managed (if required) in accordance with best practice.</p> <p>(f) A description of measures to ensure that formerly active nesting and moulting sites cannot be reoccupied during construction.</p> <p>(g) The GPS coordinates for all active nesting or moulting sites identified by the survey in (b)(ii) must be recorded and a picture taken and annotated with the location of the nest and the co-ordinates. This information must be provided to the Manager, Environmental Regulation within 5 working days.</p>
EM.4AA	An exclusion zone with a minimum 10m radius must be established around any active nesting or moulting sites identified in Condition EM.4A while ensuring access to the ocean is maintained.
EM.4B	The BPP shall contain a programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of active nesting or moulting sites to determine whether any reasonably practicable steps can be undertaken by the Consent Holder during Construction Works to further reduce adverse effects.
EM.4C	Any outcomes from monitoring under Condition EM.4B shall be applied, as appropriate, to future Construction Works by revising the BPP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation within 1 month of completion.
EM.4D	<p>(a) During the nesting season of any Shoreline Forager and no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified and experienced ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area.</p> <p>(b) If any active Shoreline Forager nest in the relevant construction area is identified under (a), the Consent Holder shall engage a suitably qualified ecologist to:</p> <ul style="list-style-type: none">(i) GIS locate and implement an exclusion zone around the nest location using rope or similar material;(ii) advise whether or not the nest of the Shoreline Forager contains eggs or chicks;(iii) if it does contain eggs or chicks, advise on the management of Construction Works within 100m of the nest, including:<ul style="list-style-type: none">A. the use of specific machinery; andB. the use of specific minimisation measures and/or working practices; and(iv) prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition GC.7. <p>(c) If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay is confirmed by a suitably qualified ecologist to be occupied by a breeding pair or the presence of eggs or chicks, then during November no Construction Works shall occur within 100m of the nest while it is so occupied. If the nest is so occupied at other times of the year, Construction Works within 100m shall occur under the advice of a suitably qualified and experienced ecologist as to the use of specific machinery and specific minimisation measures and/or working practices.</p> <p>(d) If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay in (c) has resulted in chicks being hatched, then no Construction Works within the oystercatcher managed works zone (refer to Appendix 1) shall occur within the months of December and January unless a suitably qualified ecologist has determined that the chicks have not survived or can fly. If non-flying oystercatcher chicks are present within the oystercatcher managed works zone (refer to Appendix 1) during February then Construction Works within the oystercatcher managed works zone (refer to Appendix 1) shall occur only if a suitably qualified and experienced</p>



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Ref	Condition
	ecologist determines that work with specific machinery and specific minimisation measures and/or working practices can proceed without endangering the chicks.
<i>Bird Protection Plan – Pest Management Strategy</i>	
EM.5	<p>The Consent Holder shall prepare a Pest Management Strategy, to form part of the BPP, aimed at providing pest management in:</p> <p>(a) primarily, the four bird protection areas specified in Conditions EM.6 to EM.6E (and, if utilised, the potential revegetation area (Condition EM.2(d)) south of Bishops Park as shown in Appendix 1); and</p> <p>(b) secondly, the adjacent Eastern Bays coastal environment affected by the Construction Works.</p> <p>The purpose of the Pest Management Strategy is to identify appropriate locations and types of pest management measures and opportunities to utilise the \$60,000 allocated in Condition EM.1, including working with existing pest management programmes in the adjacent Eastern Bay communities.</p> <p>The Pest Management Strategy shall as a minimum:</p> <p>(c) Identify times of year and locations where litter and pests may be an issue and link with Conditions EM.7 and LV.7, and (d) below;</p> <p>(d) Cover the full length of the Shared Path, with more intensive actions for the protection areas and any identified areas in (c);</p> <p>(e) Identify times of year to focus pest management (e.g. when chicks are hatching);</p> <p>(f) Include strategies describing how the applicant will engage and educate the community on the presence of birds and the impact of pests on these birds through signage and community outreach programs in Condition EM.9; and</p> <p>(g) Establish mechanisms to report annually during the period of pest management to the community and the Manager, Environmental Regulation on the success of the Pest Management Strategy.</p> <p>Any outcomes from reporting on the success of the Pest Management Strategy under (g) above shall be applied, as appropriate, to future pest management by revising the Pest Management Strategy so that over time processes and responses to minimise effects on coastal avifauna as a result of pest animals are refined and improved.</p>
<i>Bird Protection Plan – bird protection areas</i>	
EM.6	<p>The Consent Holder shall establish, utilising the up to \$300,000 allocated in Condition EM.1, protection areas in general accordance with Appendix 1 at the following indicative locations:</p> <p>(a) an oystercatcher protection area at Sorrento Bay (Condition EM.6B);</p> <p>(b) a penguin protection area at Whiorau Reserve (Condition EM.6C); and</p> <p>(c) penguin and shorebird protection areas at:</p> <p>(i) Bishops Park (Condition EM.6D); and</p> <p>(ii) HW Shortt Park (Condition EM.6E).</p>
EM.6A	<p>The bird protection areas set out in Conditions EM.6C, EM.6D and EM.6E shall include:</p> <p>(a) opportunities to enhance Little Penguin habitat within the protection areas, including providing and maintaining a minimum of 100 nesting opportunities across the three protection areas; and</p> <p>(b) opportunities for Shoreline Forager nesting where suitable.</p>
EM.6B	<p>The Sorrento Bay oystercatcher protection area shall include the following:</p> <p>(a) fencing of the boundaries in general accordance with Appendix 1 and as specified in the BPP with a minimum standard to keep dogs out on the landward (road) side;</p>

Commented [A10]: Responds to Question 20.



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	<p>(b) screening, as appropriate, including through planting measures;</p> <p>(c) pest management measures in accordance with the Pest Management Strategy provided under Condition EM.5;</p> <p>(d) A Planting Plan to outline areas of planting surrounding nesting opportunities, or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p> <ul style="list-style-type: none">(i) The species that are proposed to be planted, the size of the plants and the density of planting;(ii) A timeline for the completion of the proposed planting; and(iii) Details of the maintenance and management of the planting and management of pest plants; <p>(e) signage identifying the protection area and its values; and</p> <p>(f) provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>The following timeframes shall apply to the Sorrento Bay oystercatcher protection area:</p> <p>(g) fencing and screening (as appropriate) must be completed within 3 months following the Commencement of Construction (see (a) and (b) above);</p> <p>(h) pest management measures must be installed and be operational within 3 months following the Commencement of Construction (see (c) above);</p> <p>(i) planting shall commence and be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (d) above); and</p> <p>(j) signage must be installed within 3 months following the Commencement of Construction (see (e) above).</p>
EM.6C	<p>The Whiorau Reserve penguin protection area shall include the following:</p> <p>(a) fencing of the boundaries in general accordance with Appendix 1 and as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward (road) side and a suspended rope barrier (or similar) allowing Little Penguins to safely pass underneath on the seaward side;</p> <p>(b) pest management measures, in accordance with the Pest Management Strategy provided under Condition EM.5;</p> <p>(c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:</p> <ul style="list-style-type: none">(i) The species that are proposed to be planted, the size of the plants and the density of planting;(ii) A timeline for the completion of the proposed planting; and(iii) Details of the maintenance and management of the planting and management of pest plants; <p>(d) signage identifying the protection area and its values;</p> <p>(e) opportunities to enhance Little Penguin habitat within the protection area in accordance with Condition EM.6A; and</p> <p>(f) provisions as appropriate to respond to, and provide ecological resilience to, sea level rise.</p> <p>The following timeframes shall apply to the Whiorau Reserve penguin protection area:</p> <p>(g) fencing must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above);</p>



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Ref	Condition
	<ul style="list-style-type: none">(h) pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (b) above);(i) planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above);(j) signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and(k) detailed design of habitat enhancement for the Little Penguins must be finalised, and nesting boxes must be installed, within 9 months following the Commencement of Construction (see (e) above).
EM.6D	<p>The Bishops Park penguin and shorebird protection area shall include the following:</p> <ul style="list-style-type: none">(a) fencing of the boundaries in general accordance with Appendix 1 and as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward (road) side (unless through a gated public access strip) and a suspended rope barrier (or similar) allowing penguins to safely pass underneath on the seaward side;(b) pest management measures, in accordance with the Pest Management Strategy provided under Condition EM.5;(c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum:<ul style="list-style-type: none">(i) The species that are proposed to be planted, the size of the plants and the density of planting;(ii) A timeline for the completion of the proposed planting; and(iii) Details of the maintenance and management of the planting and management of pest plants;(d) signage identifying the protection area and its values;(e) retention of area(s) of marram grass located within the protection area;(f) pedestrian accessways through the protection area at selected points;(g) consideration of the presence of herpetofauna and maintaining areas of skink habitat within the protection area;(h) opportunities to enhance Little Penguin habitat within the protection area in accordance with Condition EM.6A;(i) opportunities to enhance Shoreline Forager habitat, including wooden poles providing further safe roosting habitats; and(j) provisions as appropriate to respond to, and provide ecological resilience to, sea level rise. <p>In relation to the above matters, all plans for, and works undertaken within, the Bishops Park protection area shall ensure that erosion and wind-blown sand effects are avoided or minimised.</p> <p>The following timeframes shall apply to the Bishops Park penguin and shorebird protection area:</p> <ul style="list-style-type: none">(k) fencing (including rope demarcation) must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above);(l) pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following Commencement of Construction (see (b) above);(m) planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above);



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Ref	Condition
	<ul style="list-style-type: none"> (n) signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and (o) detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised and roosting measures must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (h) and (i) above).
EM.6E	<p>The HW Shortt Park penguin and shorebird protection area shall include the following:</p> <ul style="list-style-type: none"> (a) fencing of the boundaries in general accordance with Appendix 1 and as specified in the BPP with a minimum standard to control dogs from accessing the protection area from the landward side and a suspended rope barrier (or similar) allowing penguins to safely pass underneath on the seaward side; (b) pest management measures in accordance with the Pest Management Strategy provided under Condition EM.5; (c) A Planting Plan to outline areas of planting surrounding nesting opportunities or the maintenance of vegetation-free areas as appropriate. The Planting Plan shall include as a minimum: <ul style="list-style-type: none"> (i) The species that are proposed to be planted, the size of the plants and the density of planting; (ii) A timeline for the completion of the proposed planting; and (iii) Details of the maintenance and management of the planting and management of pest plants; (d) signage identifying the protection area and its values; (e) opportunities to enhance Little Penguin habitat within the protection area in accordance with Condition EM.6A; (f) opportunities to enhance Shoreline Forager habitat, including wooden poles providing further safe roosting habitats; and (g) provisions as appropriate to respond to, and provide ecological resilience to, sea level rise. <p>In relation to the above matters all plans for, and works undertaken within, the HW Shortt Park protection area shall ensure that erosion and wind-blown sand effects are avoided or minimised.</p> <p>The following timeframes shall apply to the HW Shortt Park penguin and shorebird protection area:</p> <ul style="list-style-type: none"> (h) fencing must be completed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (a) above); (i) pest management measures must be installed and be operational as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (b) above); (j) planting shall be undertaken and completed in accordance with the timeframes specified in the Planting Plan (see (c) above); (k) signage must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (d) above); and (l) detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised and roosting measures must be installed as soon as reasonably practicable but no later than 18 months following the Commencement of Construction (see (e) and (f) and above).
<i>Rubbish and waste management</i>	
EM.7	<p>The Consent Holder shall undertake a six-monthly rubbish clean up along the shared path and its adjacent beaches which will involve two staff and a vehicle proceeding along the Project area collecting litter for 1 working day for the duration of this consent.</p>



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Ref	Condition
<i>Protection area review and reporting</i>	
EM.8	<p>The Consent Holder shall engage a suitably qualified and experienced ecologist to undertake reviews of the establishment of each protection area in Conditions EM.6B to EM.6E within the timeframe set out in Condition EM.8A.</p> <p>The purpose of the reviews is to identify if there are reasonably practicable measures the Consent Holder could implement to optimise the intended habitat in each protection area for Little Penguins and/or Shoreline Foragers (as relevant for the specific area) and if such measures are identified a timeframe for them to be implemented.</p> <p>Reasonably practicable in this condition relates to measures such as operational matters (including pest management timing/location within Condition EM.1(i)), design matters (such as improved signage or litter bin locations) and/or maintenance issues (such as replacement of damaged items or plantings) that can be implemented without additional consents). Reasonably practicable does not include the redesign and/or redevelopment of a protection area or the addition of new protection areas.</p>
EM.8A	<p>The reviews in Condition EM.8 shall be undertaken, and a report provided to the Manager, Environmental Regulation within 3 months of:</p> <ul style="list-style-type: none">(a) 2 years from Commencement of Construction for the Sorrento Bay oystercatcher protection area (Condition EM.6B);(b) 2 years from the establishment of the Bishops Park and HW Shortt protection areas with regard to Shoreline Forager habitat (Conditions EM.6D and EM.6E); and(c) 5 years from the establishment of the Whiorau Reserve, Bishops Park and HW Shortt Park protection areas with regard to Little Penguins (Conditions EM.6C to EM.6E).
EM.8B	<p>Any reasonably practicable measures identified in the report under Condition EM.8 shall be implemented by the Consent Holder. The Consent Holder shall inform the Manager, Environmental Regulation when the measures have been completed.</p>
EM.8C	<p>The review for the Sorrento Bay oystercatcher protection area (Condition EM.6B) shall include any relevant information obtained up until that date from the variable oystercatcher study under Condition EM.8D.</p>
<i>Variable oystercatcher study</i>	
EM.8D	<p>The Consent Holder shall commission, utilising the up to \$30,000 allocated in Condition EM.1, a suitably qualified ecologist to lead a before and after study of variable oystercatchers in the Project area (the Eastern Bays from Point Howard to Sunshine Bay and including Windy Point) including the influence of the Project on variable oystercatchers and their behaviours.</p> <p>The study shall include recommendations (if any) in accordance with Condition EM.8C.</p> <p>The study shall be completed, and the results provided to the Manager, Environmental Regulation and made publicly available within 5 years of the Completion of Construction of the Project.</p>
<i>Bird Protection Plan - education</i>	
EM.9	<p>The Consent Holder shall carry out, utilising the up to \$15,000 allocated in Condition EM.1, a public educational campaign aimed at recognising, protecting, and raising public awareness of avifauna in the Project area, including variable oystercatchers.</p> <p>The campaign shall:</p> <ul style="list-style-type: none">(a) commence within 9 months of the Commencement of Consents;(b) continue for a minimum of 5 years; and(c) provide current information on variable oystercatchers within the Project area and how to minimise or prevent risks and threats to oystercatchers in the Project area.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 22 January 2021.

Ref	Condition
<i>Intertidal and subtidal ecology</i>	
EM.10	<p>For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area. Training and guidance by a suitably qualified and experienced person will be required in accordance with Condition GC.7(e).</p> <p><i>Advice note: It is the responsibility of the Consent Holder to ensure that the suitably qualified and experienced person holds all relevant permits required to undertake fish rescue.</i></p>
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <p>(a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone then the Consent Holder shall undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA in accordance with the requirements of the certified CEMP.</p> <p>(b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the completion of works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location.</p> <p>(c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to:</p> <p>(i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics;</p> <p>(ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works commence, immediately after works have been completed, and 1 year after the completion of the beach nourishment works;</p> <p>(iii) <u>A visual assessment near and around the seagrass beds in south Lowry Bay:</u></p> <p>C. <u>at least once during beach nourishment placement works, immediately after placement works have been completed, within 5 weeks after placement works have been completed and within 15 weeks after placement works have been completed; and</u></p> <p>D. <u>once a week during Construction Works that may extend into the subtidal zone in south Lowry Bay and within 5 weeks of such Construction Works being completed,</u></p> <p><u>to ensure that neither beach nourishment nor Construction Works smother any part of the seagrass beds; and</u></p> <p>(iv) <u>The results of the monitoring in (i) and visual inspections in (iii), shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion;</u></p>



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Ref	Condition
	<p>(iii) A visual assessment near and around the seagrass beds following beach nourishment to ensure that the nourishment material is not smothering any part of the seagrass beds; and</p> <p>(iv)(v) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects. No Construction Works shall occur within 2m of the seagrass beds.</p> <p>(d) The monitoring in (c)(i) and (ii)(v) above shall be undertaken by a suitably qualified and experienced person.</p> <p>(e) If monitoring in (c)(ii) and (iii) shows smothering and/or direct disturbance of seagrass attributed to the Project is occurring, the person in (d) shall work with the Consent Holder shall engage a suitably qualified and experienced person to identify (including undertaking) an assessment of the actual and potential impacts if necessary) and provide a description of available recommendations to the Consent Holder reasonable remedial actions (if necessary), including stopping or delaying works, and a programme for their implementation. The Consent Holder shall comply with those recommendations within the timetable provided. The Consent Holder shall provide a copy of the recommendations within 48 hours of receipt (as appropriate) to the Manager, Environmental Regulation and inform the Manager, Environmental Regulation when the recommendations have been completed for certification within an agreed timeframe and undertake any remediation actions as soon as practicable.</p>
<i>Fish Passage</i>	
EM.12	<p>At the key culvert outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <p>(a) Ensure culvert extensions associated with the Project are designed in consultation with a qualified freshwater ecologist to improve or at least maintain existing fish passage. These details will be included in the engineering plans specified in Condition C1.</p> <p>(b) Gain pre-construction information on the existing culvert outlets via inspection by a qualified freshwater ecologist on at least four occasions during low tide and taking detailed photos and measurements (including distance of invert above or below current beach level, height of any perch, height of headroom, depth of any flowing surface water). Outlets will also be visited once at high tide to determine the level of outlet inundation.</p> <p>(c) Monitoring post-construction outlet characteristics every six months for three years from Completion of Construction of the Project by repeating the procedure outlined in (b) above at low tide. Outlets will also be visited three times (yearly) at high tide to determine the level of outlet inundation (but this recording can be arranged by the Consent Holder). Monitoring of all culverts will be combined.</p> <p>(d) Engage the qualified freshwater ecologist in (b) to provide a report to the Consent Holder confirming that the outlet structures are operating as intended in (a) and, if any issues for fish passage are identified with the outlet structure through the examination in (c), the freshwater ecologist shall identify remedial actions (if any) to ensure operation as intended in (a) is achieved.</p> <p>(e) Provide a copy of the report under (d) to the Manager, Environmental Regulation within 2 weeks of receipt and within 12 months of receipt have completed any identified remedial actions and confirm in writing to the Manager, Environmental Regulation that the works have been completed.</p>
<i>Beach Nourishment Plan</i>	
EM.13	<p>The Consent Holder shall engage a suitably qualified and experienced person to prepare a BNP in consultation with a suitably qualified and experienced ecologist and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the draft plans in Appendix 2 to these</p>

Commented [A11]: Responds to Question 14.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 22 January 2021.

Ref	Condition
	conditions. The maximum volume of material that may be deposited is 6,000m ³ , to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.
EM.14	<p>The purpose of the BNP is to ensure that the design and placement of beach nourishment materials is undertaken in a manner that avoids (in particular, seagrass) or otherwise minimises adverse effects and appropriately responds to local coastal processes.</p> <p>The BNP shall include, but not be limited to:</p> <p>(a) The design conditions at the time of the beach nourishment, and for the beach nourishment to achieve after 2 years.</p> <p>(b) The name and location of the sediment source.</p> <p>(c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values.</p> <p>(d) A specification of the borrow material including:</p> <ul style="list-style-type: none"> (i) Ensuring no more than <u>32%</u> of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement. <p>(e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments that will maintain the existing profile without spreading onto seagrass beds; (iii) <u>(iii)</u> Excluding fine sediments from beach nourishment sediments; (iv) <u>(iii)</u> Only undertaking beach nourishment in the winter months between June and August; (v) <u>(iv)</u> Forming the high tide construction beach with a slightly over-steepened profile; (vi) <u>(v)</u> Only depositing as much sediment on the beach as can be transferred along the placement area in the day of placement; (vii) <u>(vi)</u> Only transferring and shaping the beach profile during lower tide levels in calm conditions and such that the formed toe does not extend much beyond mean low water springs; (viii) <u>(vii)</u> Minimising the working area and mobilization of sediment; (ix) <u>(viii)</u> Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment; (x) <u>(ix)</u> Avoiding the placement of beach nourishment materials, no further south than the centerline of Gill Road at the southern end of Lowry Bay; (xi) <u>(x)</u> At Lowry Bay, ensure any barging of beach nourishment material avoids the disturbance of seagrass beds; and (xii) <u>(xi)</u> Forming and shaping a steeper profile within the existing beach footprint. <p>(f) Placing imported beach sediment along the entire designated placement area rather than in one discrete location and within Lowry Bay, two staged placements of coarse sand or larger – using grading of 10% coarse gravels, 70% medium gravels, and 20% coarse sands and fine gravels + 2 to 3% with greater volumes deposited towards the north and lesser volumes deposited towards the south to avoid adverse effects on adjacent seagrass beds.</p>

Commented [A12]: Responds to Question 15.

Commented [A13]: Responds to Question 15 – consequential change as already conditioned more accurately in (d)(i) above.

Commented [A14]: Responds to Question 15.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Ref	Condition
	<p>(g) Specifying methods to separate excavated beach sediments from any unsuitable material removed from the old seawall structure which are to be disposed offsite.</p> <p>(h) Minimising the potential to block stream outlets with fish passage during beach nourishment by:</p> <ul style="list-style-type: none"> (i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE; (ii) Avoiding the initial placement of sediment within 10m of existing outlets; and (iii) Monitoring stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand block the outlets. <p><i>Advice note: Clearance of any accumulated material at the outlets may require a separate consent if not able to comply with permitted activity standards.</i></p>
<i>Beach monitoring and management – beach nourishment</i>	
EM.15	<p>The Consent Holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for the generally minor redistribution of beach material.</p> <p>The monitoring shall commence prior to the Commencement of Construction in each bay in Condition EM.13, and continue for 2 years after the Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This monitoring information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
EM.16	<p>The monitoring should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.</p>
EM.17	<p>If beach nourishment monitoring results in Condition EM.15 show that design conditions in the BNP have not been met, then the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake beach maintenance as recommended.</p> <p>Only one 'top up' event may occur at each location. If a 'top up' is required, it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment and/or maintenance shall, if possible, be undertaken at the same time.</p> <p>The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.14(e) applies to any beach nourishment 'top up'.</p>
EM.18	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p> <p>If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under EM.17 will be designed by the Consent Holder to appropriately minimise those significant adverse effects on benthic intertidal and subtidal biota.</p>



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Ref	Condition
<i>Seawall and revetment habitat</i>	
EM.19	<p>The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction.</p> <p><u>The purpose of the SRHP is to identify and provide design options that incorporate appropriate habitat features for intertidal biota within/on the seawall.</u></p> <p>The SRHP shall provide for appropriate habitat for intertidal biota, including but not limited to:</p> <ul style="list-style-type: none">(a) incorporating textures to the curved surfaces and depressions to the flat platforms of the seawalls;(b) drilling rock pools into the hard revetment rock of the mid-low tide zone;(c) reuse of larger colonised rock material;(d) purpose-made rock pool features (to be used where appropriate, and without compromising structural integrity);(e) where appropriate and/or feasible, pre-cast 'pot plant/window box structures that can be added to the surface of the curved seawall; and(f) a map of appropriate scale, showing where each method of enhancement will occur.

Commented [A15]: Responds to Question 16.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021

Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation and Team Leader, Resource Consents for certification <u>that the process is in accordance with the conditions to achieve the purpose in Condition LV.2 and in accordance with the requirements of Condition GC.5.</u> The Consent Holder shall provide the LUDP for certification within 3 months of the commencement of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	The purposes of the LUDP are to: <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019) and other relevant plans and documents referred to in Condition GC.1; (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid or minimise adverse effects on natural character, landscape and recreational amenity during the construction of the Project.
LV.3	The LUDP shall be prepared by the Consent Holder with input from a suitably qualified and experienced ecologist, engineer, landscape architect, recreation specialist, traffic engineer, urban designer and access and mobility advisor and, in consultation with: <ul style="list-style-type: none"> (a) The Mana Whenua Steering Group to be established under Condition MW.1; (b) Relevant Resident Associations; (c) Hutt City Council (Parks and Reserves); and (d) The Eastbourne Community Board.
LV.4	The LUDP shall reflect and/or incorporate any relevant management plans as appropriate and, as a minimum, shall address how the detailed design of the Project: <ul style="list-style-type: none"> (a) Achieves design outcomes based on the following environmental effects: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) <u>In the event of conflict between the environmental effects in (a), they will be considered in accordance with their order listed in (a), subject to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay;</u> (c) Responds to any relevant design elements recommended in the BPP while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019) and other relevant plans and documents referred to in Condition GC.1; and (ii) Relevant Industry Standards.

Commented [A16]: Responds to Question 17.

Commented [A17]: Despite Question 18 no change is proposed to this condition for the reasons set out in the covering email.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 22 January 2021.

Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include the final BSUDPs for each bay within the Project area. The final BSUDPs shall address detailed design within the particular bay for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters (including those listed in Condition LV.7) as relevant to the particular bay.</p> <p>The final BSUDPs may either be attached to and certified as part of the initial LUDP or prepared later and added to the LUDP on a staged basis if the Construction Works are staged bay by bay and individually certified under Condition LV.6.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) Stage 1: A draft design protocol that sets out the priorities for the bay design in terms of engineering, safety and access and mobility requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. The draft design protocol shall provide visual representations of best practice on comparable coastal shared path projects to demonstrate the level of design to be targeted. The protocol shall be provided to the relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments (if any) within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to be provided to the Manager, Environmental Regulation, and Team Leader, Resource Consents alongside the draft design protocol, within 20 working days from receipt of the comments; and</p> <p>(b) Stage 2: The final BSUDPs are to be certified either on their own (in accordance with Condition GC.5) or, if included in the initial LUDP, when the LUDP is certified under Condition LV.1.</p>
LV.7	<p>The BSUDPs shall include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types and transitions between natural or rocky areas and seawall structures;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing and screening barriers between important habitat for Shoreline Foragers and the shared path;</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) Little Penguin and Shoreline Forager related structures including penguin passage elements, ramps, nests, boxes and wooden poles for roosting;</p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities, including size and arrangement of space to allow for stopping and gathering at frequent intervals distributed along the route;</p> <p>(k) Signage ensuring their consistency along the shared path, including branding and reduction of visual clutter;</p> <p>(l) Storyboards; and</p> <p>(m) Surface treatments; and</p> <p>(n) Any other relevant matter for that bay necessary to achieve the purposes of the LUDP in Condition LV.2.</p>

Commented [A18]: Responds to Question 19.



Proposed resource consent conditions for the Eastern Bays Shared Path Project

Dated 5 February 2021.

Mana whenua (MW)

Ref	Condition
<i>Mana Whenua Steering Group</i>	
MW.1	<p>(a) At least 3 months prior to the Commencement of Construction, the Consent Holder shall invite mana whenua to establish a Mana Whenua Steering Group (MWSG) for the Project. The following parties shall be invited to include representatives on the MWSG:</p> <ul style="list-style-type: none">(i) Port Nicholson Block Settlement Trust, on behalf of Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui); and(ii) Te Rūnanga o Toa Rangatira Incorporated, on behalf of Ngāti Toa Rangatira. <p>(b) The purpose of the MWSG is to:</p> <ul style="list-style-type: none">(iii) Facilitate ongoing engagement with mana whenua in respect of the activities authorised by these resource consents;(iv) Provide an opportunity for mana whenua to provide kaitiaki inputs into the Project as set out in Condition MW.3; and(v) Ensure appropriate tikanga and kawa (customary practices and protocols) are being applied throughout the development and implementation of the Project.
MW.2	The MWSG shall be invited to hold regular meetings (monthly) throughout the Construction Works until the Completion of Construction.
MW.3	<p>The MWSG shall be invited to participate in the following:</p> <ul style="list-style-type: none">(a) Development of the Project detailed design to incorporate cultural values into elements such as:<ul style="list-style-type: none">(i) Cultural expression in artwork and in landscape works and plantings through the LUDP required under Conditions LV.1 to LV.4;(ii) Signage and storyboards describing local features and the history of the area through the BSUDPs required under Conditions LV.5 to LV.7; and(iii) The ecological management and bird protection measures required under Conditions EM.1 to EM.19;(b) The processes required to be followed in respect of the discovery of archaeological features or deposits, or taonga, under Conditions AP.1 and AP.2;(c) Development and implementation of agreed cultural protocols/tikanga appropriate to the works or activities (for example: blessings, accidental discoveries, vegetation clearance and the relocation of native fauna);(d) Members of the MWSG shall be invited to talk to the chosen contractors to explain cultural values prior to the Commencement of Construction; and(e) Development and implementation during the Construction Works of cultural monitoring requirements and measures to acknowledge the historic and living cultural values of the area to mana whenua and to minimise potential adverse effects on these values.



Archaeological Protocols (AP)

Ref	Condition
<i>Discovery of Archaeological Features or Deposits</i>	
AP.1	<p>If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:</p> <ul style="list-style-type: none">(a) Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Heritage New Zealand Pouhere Taonga Act 2014.(b) If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks.(c) HNZPT will be informed of the discovery and, if the site cannot be avoided, an application for an archaeological authority to modify or destroy the archaeological site will be made (this is a legal requirement).(d) If the archaeological site relates to Māori occupation, Taranaki Whānui and Ngāti Toa Rangatira must be consulted.(e) No work can be carried out that will affect the site until the archaeological authority has commenced.(f) Any conditions attached to the archaeological authority must be complied with.
<i>Discovery of Taonga</i>	
AP.2	<p>Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>If taonga are discovered the following procedure will apply to the taonga itself:</p> <ul style="list-style-type: none">(a) The area of the immediate site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage.(b) The archaeologist will then inform HNZPT and the nominated Taranaki Whānui and Ngāti Toa Rangatira representatives so that the appropriate actions (from cultural and archaeological perspectives) can be determined.(c) Work may resume when advised by HNZPT or the archaeologist.(d) The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum.(e) The Ministry for Culture and Heritage, in consultation with Taranaki Whānui and Ngāti Toa Rangatira, will decide on custodianship of the taonga. <p><i>Advice note:</i> <i>The contact details for Taranaki Whānui are as follows:</i></p> <ul style="list-style-type: none">(a) Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: +64 27 459 9050 PO Box 12164, Thorndon, Wellington 6144(b) Wellington Tenth's Trust (Wellington) – Vicki Hollywell +64 4 473 2502 PO Box 39 294, Wellington Mail Centre, Lower Hutt 5045 24d Marine Parade, Petone. <p><i>The contact person for Ngāti Toa Rangatira is:</i> <i>Naomi Solomon, Resource Management & Communications Manager, telephone: +64 4 238 4952 (email: naomi@ngatitoea.iwi.nz), PO Box 50355, Porirua 5024.</i></p>



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APPENDIX 1: PROTECTION AREAS

Overview



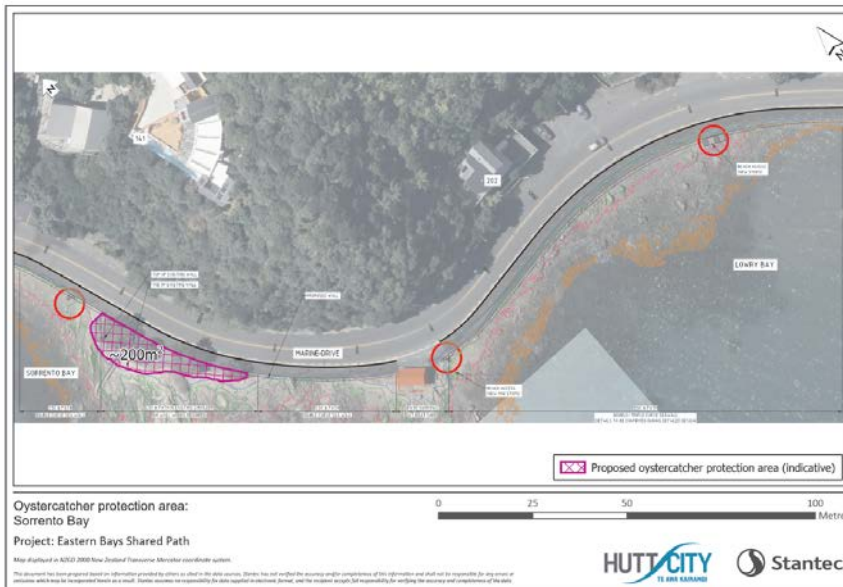


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BIRD PROTECTION AREAS

1. Sorrento Bay oystercatcher protection area



2. Whiorau Reserve penguin and shorebird protection area





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3. Bishops Park penguin and shorebird protection area and potential revegetation area

Commented [A19]: Responds to Question 20.



4. HW Shortt Park penguin and shorebird protection area

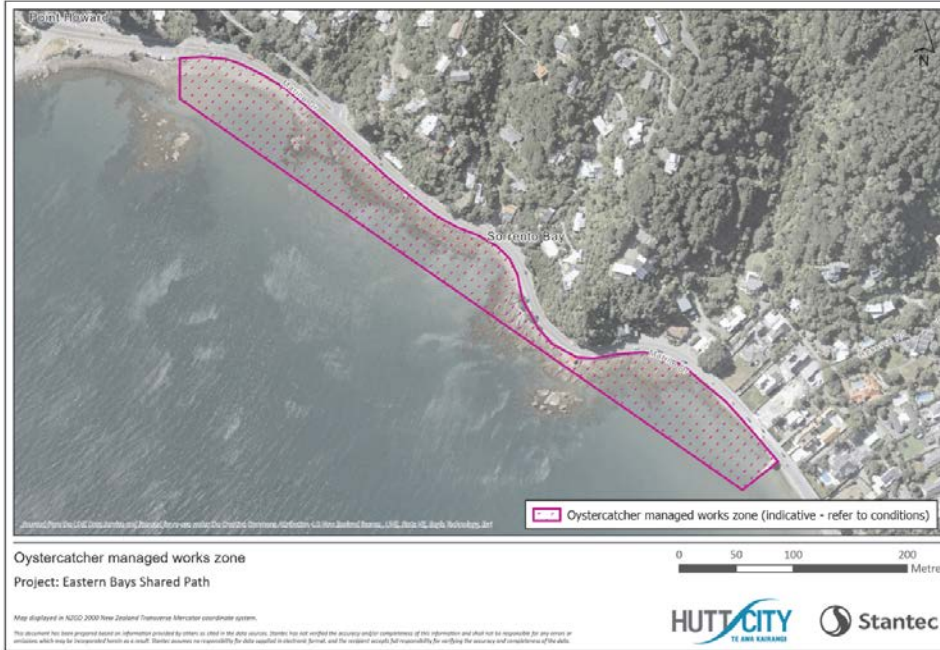




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OYSTERCATCHER MANAGED WORKS ZONE



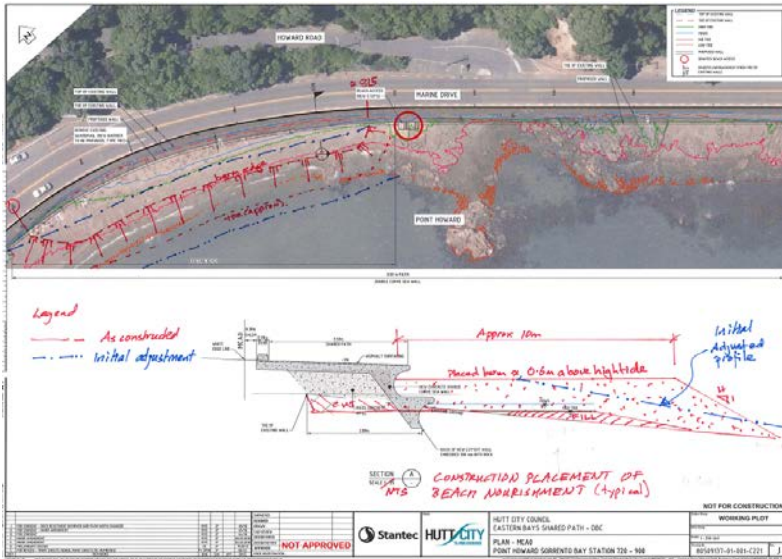


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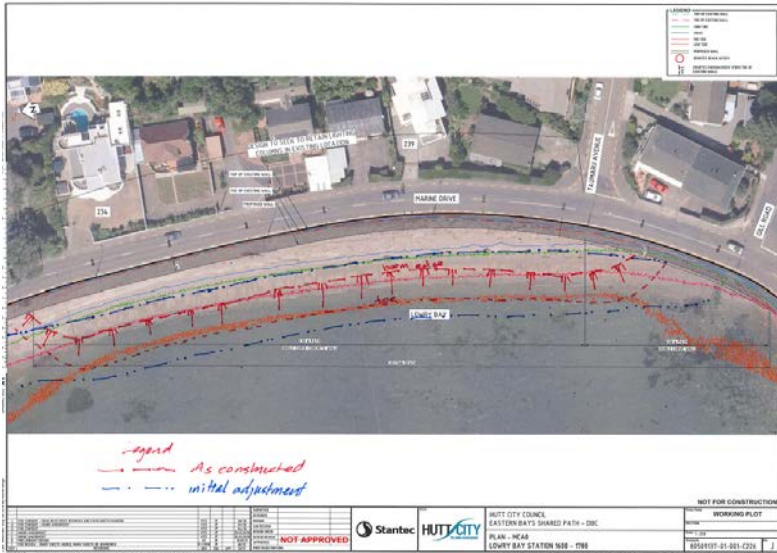
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APPENDIX 2: DRAFT BEACH NOURISHMENT PLANS

Beach Nourishment – Point Howard



Beach Nourishment – Lowry Bay





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Beach Nourishment – York Bay

