

NORTHPORT LTD: PORT EXPANSION – SH15, Marsden Point

[To insert summary of activities/buildings/consents etc]

Subject to the following conditions:

DEFINITIONS:

“Building”	means a temporary or permanent moveable or immovable physical construction that: <ul style="list-style-type: none">(a) is partially or fully roofed, and(b) is fixed or located on or in land, but(c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
“Council”	means Whangārei District Council or its successor;
“Current Port Noise Contour Map”	means the map showing predicted incident port noise levels required to be prepared and updated pursuant to condition 24.
“Expansion Project”	means the Northport expansion to the east of the existing port authorised by these consents (and associated regional consents), and all associated activities and works;
“Major Structure”	means any: <ul style="list-style-type: none">(a) vehicle used as residential activity, excluding temporary activities.(b) network system exceeding 1.5m in height above ground level or 3m² ground coverage.(c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height must be measured from the lowest ground level of either to the highest point of either.(d) tank or pool exceeding 35,000 litres.(e) structure greater than 2.2m in height above ground level or greater than 9m² ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.
“Pocket Park”	means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and
“Port Activities”	means the use of land and/or Buildings for port related activities, including but not limited to: <ul style="list-style-type: none">(a) port and ancillary port activities;(b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;

Commented [CG1]: General comment: to confirm all plan references throughout the conditions.

- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

“Practical Completion” in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for port activities;

“RMA” means the Resource Management Act 1991.

GENERAL:

1. The consent holder must undertake all authorised activities in general accordance with the descriptions and plans submitted with the application or as modified through the hearing/decision process.
2. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to persons undertaking activities authorised by these consents.
3. All monitoring/sampling required under these consents must be undertaken by a suitably qualified and experienced person(s) who has completed appropriate training.

Complaints

4. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
 - (a) Name of complainant, if offered;
 - (b) The date and time of the complaint;
 - (c) The issue raised;
 - (d) The location of the issue raised;
 - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant).

Sensitivity: General

- (f) Any possible cause of the issue raised; and
 - (g) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action.
5. The record of complaints must be provided to the Council on request.

Certification

6. Where any condition requires the consent holder to submit a management plan to the Council for “**certification**” it must mean the process set out in the following paragraphs (a) to (d) and the terms “**certify**” and “**certified**” must have the equivalent meanings:
- (a) The consent holder supplies a management plan to the Council, and the Council assesses the documentation submitted (acting in a technical certification capacity) to ensure that it achieves the requirements of the relevant condition(s) of consent (this will include that the plan proposed for certification meets the objective(s) and content requirements set out in the condition(s));
 - (b) Should the documentation supplied in accordance with (a) above, in the opinion of the Council, achieve the requirements of the relevant condition(s), the Council must issue a written confirmation to the consent holder that the requirements of the relevant condition(s) have been satisfied;
 - (c) If the Council is not satisfied that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must advise (in writing) the consent holder of the Council’s concerns and ask that the management plan be modified so as to address the concerns, and then be resubmitted;
 - (d) This process must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.
7. Where no written confirmation, pursuant to either conditions 6(b) or 6(c), is provided within twenty (20) working days of a management plan being provided to the Council, the management plan must be deemed to be certified for the purpose of the respective condition to which the document pertains.

CONSTRUCTION

Accidental discovery protocol

8. If subsurface archaeological evidence is unearthed during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga and the Council must be notified as soon as reasonably practicable.
9. Work must not recommence in the immediate vicinity of the discovery until either: it has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.

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10. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Mana Whenua, Heritage NZ Pouhere Taonga, NZ Police and the Council must be contacted so that appropriate arrangements can be made.

Advice Note: *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.*

Construction noise

11. Expansion Project construction noise from activities on land must not exceed the noise limits in Table One:

Table One: construction noise limits

RESIDENTIAL ZONES AND DWELLINGS IN RURAL AREAS:

Upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Noise limits (dB)	
		L _{Aeq}	L _A Fmax
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

INDUSTRIAL OR COMMERCIAL AREAS:

Upper limits for construction noise received in industrial or commercial areas on all days

Time period	Noise limits (dB L _{Aeq})
0730-1800	70
1800-0730	75

Advice Note: *The limits in Table One are reproduced from New Zealand Standard NZS 6803: 1999 "Acoustics -Construction Noise"*

12. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

Advice Note: *Northland Regional Council resource consents for the Expansion Project include noise limits for construction noise from activities within the coastal marine area.*

Construction transport

13. At least one (1) month prior to the commencement of Expansion Project construction works, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council for certification. The objective of the CTMP is detail the procedures, requirements and standards necessary for managing traffic effects during construction of the Expansion Project so that safe facilities for local movements by all relevant transport modes are maintained throughout the construction period. The CTMP must include:
- (a) The estimated numbers, frequencies, routes and timing of construction traffic movements;
 - (b) Methods required to manage vehicular traffic and/or to manage traffic congestion;
 - (c) Methods to manage the effects of temporary traffic management activities on general traffic;
 - (d) Measures to manage the safety of all transport users;
 - (e) Site access routes and access points for heavy vehicles,
 - (f) The size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;
 - (g) Identification of detour routes and other methods for the safe management and maintenance of traffic flows on existing roads;
 - (h) Methods to maintain vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;
 - (i) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;
 - (j) Methods that will be undertaken to communicate traffic management measures to affected road users such as residents/public/emergency services.
14. The CTMP must be certified in writing by the Council prior to construction works authorised commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CTMP (including any certified variation).
15. Any variation to the CTMP must be subject to certification by Council.

PORT OPERATION

Port Activities - location

16. From the first commencement of any of these resource consents, Port Activities may occur on any land within the area shown in the figure at **Appendix One**.

Advice Note: *The definition of "Port Activities" is based on the current definition in the Whangārei District Plan (Operative in Part 2022).*

Commented [CG2]: NOTE: the intention is that this plan shows the entire port so that there is ultimately one WDC consent authorising port activities over the existing and future port footprint.

We further note that, to the extent current consents are inconsistent with this, there may be a requirement for NPL to (partially or fully) surrender existing consents when these Berth 5 consents commence. We are happy to further discuss with Council this approach, and the practical implications in terms of those existing consents.

Operational noise

Application

17. Upon Practical Completion of the Expansion Project reclamation, conditions 18 to 28 apply to all Port Activities within the area shown in the figure at **Appendix One**.

Advice Note: *In accordance with condition 17, it is intended that the consent holder will (concurrently with, or prior to, the commencement of the application of conditions 18 to 28) surrender and/or vary other existing resource consent(s) authorising Northport operational port noise. This will consolidate, including for monitoring and enforcement purposes, the operational port noise resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply to all Northport operational port noise.*

Port noise limits

18. Noise from Port Activities within the area shown in the figure at **Appendix One** must be measured in accordance with NZS 6801: 2008 and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.

19. Noise from Port Activities within the area shown in the figure at **Appendix One**, as measured within any residential or Settlement Zone land must not exceed the following limits:

- (a) Day-night (Long Term):
58 dB L_{dn} (5-day)
61 dB L_{dn} (1-day)
- (b) Night-time (Short term):
53 dB L_{night} (10pm - 7am)
58 dB L_{Aeq} (15 min)
75 dB L_{AFmax}

Port noise mitigation

20. Where the measured or predicted incident port noise level shown on the Current Port Noise Contour Map exceeds 55 dB L_{dn} (5-day) at the external façade of a habitable space in a residential unit the consent holder must offer to the landowner to install (at the consent holder's cost) mechanical ventilation, mechanical cooling, and/or other noise mitigatory works. The Current Port Noise Map is informed by a periodic review as part of the Port Noise Management Plan detailed in Condition 24. Any mitigatory works must:

- (a) Achieve an indoor design noise level no greater than 40 dB L_{dn} (5-day) in all habitable rooms of the residential unit when the windows and doors are closed;
- (b) Satisfy clause G4 of the New Zealand Building Code;
- (c) Provide occupant controlled ventilation that provides at least six (6) air changes per hour, or occupant controlled cooling that can maintain the inside temperature of the habitable room below 25°C;
- (d) Provide relief for equivalent volumes of spill air; and

Commented [CS3]: Intention is to maintain an acceptable level of amenity at residential receptors without unnecessary restrictions in relation to, for example, nearby industrial areas.

Commented [CS4]: NOTE: NPL is proposing noise mitigation for residents where measured or predicted (i.e. modelled) noise levels exceed this threshold. This will ensure a level of indoor amenity. This mitigation is in addition to the various measures required in the PNMP set out in condition 24 below, and independent of the noise limits in condition 19 above, both of which will ensure outdoor noise amenity is maintained.

Sensitivity: General

- (e) Locate any outdoor heat pump condenser unit at least 5m from the direct external entrance to a living area.

21. Mechanical ventilation noise must be measured in accordance with AS/NZS 2107:2016 "Acoustics- Recommended design sound levels and reverberation times for building interiors". The mechanical ventilation noise levels in habitable spaces must not exceed the following:

- (i) 35 dB L_{Aeq} in bedrooms, and
- (ii) 40 dB L_{Aeq} in all other habitable spaces.

22. If the offer under condition 20 is accepted by the landowner, the mechanical ventilation, cooling, and/or other noise mitigatory works must be installed at the expense of the consent holder within one (1) year of the offer being accepted, except that the Consent Holder shall not be responsible for more than [10] such installations in any calendar year.

Advice Note: *The consent holder's obligations extend only to installation of the mechanical ventilation or cooling. To avoid doubt, the consent holder is not responsible for ongoing maintenance.*

23. Acceptance of the offer under condition 20 may be made by the landowner at any time during which this consent is operative.

Port Noise Management Plan

24. A Port Noise Management Plan must be prepared in accordance with the requirements in Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning and submitted to the Council for certification at least three (3) months before the commencement of any Expansion Project Port Activities (excluding Expansion Project construction). The Port Noise Management Plan must contain the following information:

- (a) The Port Noise Management Plan objectives and methods to achieve the objectives, including:
 - (i) To ensure the consent holder complies with the noise limits in Condition 19;
 - (ii) To provide a framework for the measurement, monitoring, assessment, and management of port noise levels;
 - (iii) To identify and adopt the best practicable options for the management of noise effects;
 - (iv) To engage with the community and manage noise complaints in a timely manner, including through participation in a Port Noise Liaison Committee to be established as a sub-committee of the existing Community Liaison Group;
- (b) Noise modelling, noise monitoring, auditing, and reporting procedures to be undertaken and funded by the consent holder;
- (c) Practices that will be used to manage noise effects, including procedures for achieving noise reduction through port operational procedures and staff and contractor training;
- (d) Procedures to receive and respond to complaints, and to maintain a register of all complaints received, the details of the complaints, and any action taken to investigate and/or resolve the complaints;
- (e) The Current Port Noise Contour Map;
- (f) Identification of all properties where Condition 20 applies;

Commented [CS5]: NOTE: Greater than this number becomes very difficult to implement, and we would not wish to see a technical breach of condition in the event that NPL is unable to find sufficient contractors or hardware. Further, certainty is required for NPL's budgeting and forecasting purposes.

We understand a similar approach is adopted at other ports around NZ.

Commented [CS6]: NOTE: TBC whether PNLC is established as a subcommittee of the CLG; whether the CLG adopts this function; or some other group is used.

- (g) Details of the Port Noise Liaison Committee required under condition 24(a)(iv) including:
- (i) The functions and processes of the Committee, including to consider all noise issues arising from the port and to ensure that mitigation functions identified in the Port Noise Mitigation Plan are carried out;
 - (ii) The members for the Committee and their roles, with Committee seat invitations being required to be made as follows:
 - 1. Two representatives of the port operator;
 - 2. Two port user representatives (with invitations to be made to two different port users);
 - 3. One representative of Northland Regional Council;
 - 4. One representative of Whangārei District Council;
 - 5. One community representative for Reotahi;
 - 6. One community representative for Albany Road;
 - 7. One representative of the Ruakaka Parish Residents & Ratepayers Association;
 - 8. One representative of the Whangārei Heads Citizens Association;
 - 9. One representative of Patuharakeke Te Iwi Trust Board; and
 - 10. One representative of Ngātiwai Trust Board;
 - 11. One representative of Te Parawhau Hapu.
 - (iii) Details of the secretarial and logistical support to the Committee which must be provided and fully funded by the consent holder;
 - (iv) The frequency of Committee meetings, which must be annually at a minimum, and procedures for calling an emergency meeting of the Committee;
 - (v) Procedures for recording minutes of the Committee, which must be made publicly available;
 - (vi) Procedures for consideration by the consent holder of any recommendations by the Committee; and
- (h) Where applicable, any recommendations made by the Port Noise Liaison Committee, and any actions by the consent holder to implement those recommendations (this requirement must not apply to the first Port Noise Management Plan produced).
25. The Port Noise Management Plan, including the appended Current Port Noise Contour Map, must be revised annually (at a minimum). An annual report must be prepared for the Port Noise Liaison Committee that:
- (a) Details any changes to the Port Noise Management Plan and Current Port Noise Contour Map resulting from the revision; and
 - (b) Provides a record of:
 - (i) All acoustic mitigation works undertaken in the preceding twelve (12) months, including records of offers of mitigation that have been refused or not responded to; and
 - (ii) Any physical monitoring undertaken and the results of that monitoring.
26. The Port Noise Management Plan must be certified in writing by the Council prior to Expansion Project Port Activities (excluding Expansion Project construction) commencing. The consent holder must undertake all Port Activities in accordance with the certified Port Noise Management Plan.

Commented [CS7]: NOTE: It is intended that during this period there will be both a CEMP and construction noise limits (relating to construction noise) and PNMP (relating to port operations). The management of noise during that period will be informed by those documents and a practical understanding of the source(s) of the noise.

Sensitivity: General

27. Any material variation to the Port Noise Management Plan, including as a result of a revision under condition 25, must be subject to certification by Council.
28. The Port Noise Management Plan must be in general accordance with the draft Port Noise Management Plan provided as part of the resource consent application (*Marshall Day Acoustics: Northport Port Noise Management Plan, Rp 001 20170776, 3 August 2022*).

Operational lighting

29. From the first commencement of any of these resource consents, within the area shown in the figure at **Appendix One**:
 - (a) Artificial lighting required for health and safety purposes will comply with the relevant standards or legislation.
 - (b) Subject in each case to (a) above, the consent holder shall ensure that:
 - (i) new flood lighting luminaires installed use LED (Light Emitting Diode) or LEP (Light Emitting Plasma) lamps or any other advanced technology lamps;
 - (ii) the colour temperature of lamps used for new flood lighting are no more 4000°K; and
 - (iii) new flood lighting luminaires are designed so that the principal output is, as far as practicable, directed to within the container terminal and adjoining wharfs or to land that is zoned Port Zone.
30. The consent holder must engage a suitably qualified and experienced lighting engineer to design/review new flood lighting installed at Northport.

Operational transport

31. Conditions 32-38 apply upon the commencement of Expansion Project Port Activities (excluding Expansion Project construction).
32. The consent holder must:
 - (a) Not later than 18 months following commencement of Expansion Project Port Activities, undertake a traffic monitoring report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available. The purpose of the traffic monitoring report is to determine total traffic volume from all sources (based on a 5-day (Monday-Friday) weekly average peak hour volume, measured over a six-month period) at the following critical intersections listed below:
 - (i) SH15/Marsden Bay Drive;
 - (ii) SH15/Marsden Point Road; and
 - (iii) SH15/One Tree Point Road.
 - (b) Thereafter, undertake a traffic monitoring report either:
 - (i) Annually, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or
 - (ii) Once every three years, if the consent holder is required to collect traffic data.

Commented [CS8]: NOTE: these conditions establish a process for annual monitoring of total traffic volumes at the identified 'critical intersections', preferably utilising the Waka Kotahi data (as suggested by Waka Kotahi in its submission). Depending on the results of that monitoring, this may then require Northport to assess port traffic contributions to the relevant intersections. If its traffic contribution exceeds the trigger volumes in Table Two, then Northport must either reduce port traffic, or make a contribution towards the upgrade of the relevant intersection(s).

Given the obligations of Waka Kotahi in relation to SH15 it is suggested this is a reasonable and appropriate approach, and one that needs to recognise the many and varied public road users.

It is intended to further discuss the mechanism and detail of this proposed condition with Waka Kotahi representatives prior to hearing.

Advice note: *The different timing requirements in paragraph (b) recognise the time and cost required for the consent holder to undertake traffic surveys, in the event that the Waka Kotahi traffic data is not available for any reason.*

- (c) Provide a copy of the traffic monitoring report required by subparagraphs (a) and (b) to Waka Kotahi NZ Transport Agency and/or other responsible road controlling authority within one month of its completion.
 - (d) If total traffic volume determined in any traffic monitoring report exceeds 1,215 vehicles per hour (being 90% of the nominal capacity of 1,350 vehicles per hour) at any of the critical intersections listed in subparagraph (a), the consent holder must engage a suitably qualified and experienced person to conduct a survey of port traffic contributions to the total traffic volumes at the relevant intersection.
33. If the survey of port traffic contributions required by condition 32(c) demonstrates that one or more of the Port Traffic Trigger Volumes in **Table Two** (relating to port traffic only) is exceeded (based on a 5-day (Monday-Friday) weekly average peak hour volume, measured over a six-month period), the consent holder must:
- (a) Immediately take steps to reduce port traffic so that the Port Traffic Trigger Volumes in Table Two (relating to port traffic only) are not exceeded; or
 - (b) Be responsible for contributing to funding transport upgrades for the corresponding intersection(s) in accordance with conditions 34 to 38.

Table Two: Port Traffic Trigger Volumes

Critical intersection	Northport Inbound AM Peak Hour Trigger Volumes	Northport Outbound AM Peak Hour Trigger Volumes
SH15/Marsden Bay Drive	700	200
SH15/Marsden Point Road	700	200
SH15/One Tree Point Road	300	200

Advice note: *A range of options may be available to the consent holder to ensure that the traffic trigger volumes in condition 33 are not exceeded. These may include:*

- *Avoiding the port peak coinciding with the network peak by, for example:*
 - *Implementing a vehicle booking system for container trucks to distribute the traffic load over the port's operating hours (24 hours a day) to the extent practicable;*
 - *Encouraging the supply chain to operate seven days a week to reduce truck movements during the weekdays when the network is busy.*
- *Reducing traffic volumes to and from the port by, for example:*
 - *Encouraging mode sharing for staff transport to and from work.*

- *Moving freight to rail when available;*
- *Transporting cruise ship passengers by buses and disembarking outside peak periods.*

34. If the consent holder is required to provide a contribution to intersection upgrade funding under condition 33, it must within three calendar months of receiving results from the survey required by condition 33 provide written notice to Waka Kotahi NZ Transport Agency and/or other responsible road controlling authority of its requirement to provide a contribution to intersection upgrade funding under these conditions.

35. The consent holder shall be responsible for a contribution to upgrade funding only, and must consult with Waka Kotahi NZ Transport Agency and/or other road controlling authority regarding the application of such funding to intersection upgrades.

Advice note: *Waka Kotahi NZ Transport Agency and/or other road controlling authorities are responsible for intersection upgrade design and delivery.*

36. If the consent holder is required to fund a contribution to intersection upgrades, it shall be responsible for funding upgrades to a standard that ensures that turning movements at the intersection can be made safely. Funding for upgrades beyond this standard are not the responsibility of the consent holder.

Advice note: *To assess intersection safety with respect to proposed upgrades, the proposed improvements shall undergo a detailed design road safety audit in accordance with the procedure set out in the Waka Kotahi NZ Transport Agency Guideline "Road Safety Audit Procedures for Projects" (May 2013 or as superseded by another Waka Kotahi NZ Transport Agency publication). The audit shall consider the safe operation of the intersection ten years after completion of the upgrades.*

37. Conditions 31-36 shall not apply with respect to an intersection identified in condition 31 if at the time the trigger volume in **Table Two** is exceeded the corresponding intersection has already been subject to material upgrade following commencement of these resource consents.

38. The consent holder shall not be required to provide a contribution to intersection upgrade funding under condition 33 if:

- (a) Waka Kotahi NZ Transport Agency or any other responsible road controlling authority confirms it has no intention of delivering upgrades to the relevant intersection(s) within five years from the consent holder's notice under condition 34; or
- (b) Five years has elapsed since the consent holder's notice under condition 34 and the relevant intersection upgrade(s) have not been constructed.

HEIGHT OF STRUCTURES AND STOCKPILES

39. Upon Practical Completion of the Expansion Project reclamation, within the area shown in the figure at **Appendix One**:

- (a) Building height and Major Structure height (excluding public utilities, light towers, silos, aerials, tanks, cargo handling equipment, cranes, and shipping containers) must not exceed 20m above ground level.

Sensitivity: General

- (b) The height of public utilities, light towers, silos, aerals, tanks, and cargo handling equipment (excluding cranes and shipping containers) must not exceed 60m above ground level.
- (c) The operational height for cranes must not exceed 85m above ground level.
- (d) The height of shipping container stacks must not exceed 30m above ground level.
- (e) The height of stockpiles must not exceed 30m above ground level.

Advice Note: *The definitions of "Building" and "Major Structure" in these resource consents are based on the current corresponding definitions in the Whangārei District Plan (Operative in Part 2022).*

PUBLIC ACCESS

- 40. The consent holder must provide public recreational access to and across the Pocket Park, except as required to ensure operational or public safety, or in an emergency response scenario.
- 41. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

LANDSCAPE PLANTING

- 42. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix Two**), but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix Two**) which is to be removed.

REVIEW

- 43. The Council may annually during the month of March serve notice on the consent holder of its intention to review the conditions of these consents pursuant to s128 of the RMA for the purposes specified therein, or, at any time, to address significant unanticipated adverse effects.

LAPSING OF CONSENTS

- 44. Each of these resource consents **[(insert consent refs)]** lapses ten (10) years after the commencement of those resource consents that are subject to section 116(2)(b) of the RMA **[(insert consent refs)]**.

Advice Note: *Pursuant to section 116(2)(b) of the RMA any district resource consent relating to an area of the coastal marine area that is proposed to be reclaimed shall not commence until the proposed location of the activity has been reclaimed and a certificate has been issued under section 245(5) in respect of the reclamation.*

Commented [CS9]: Note: Following Northport's review of the existing resource consents, it has identified that these conditions continue to be required. In the case of condition 42, the existing obligation to maintain landscape planting is modified to recognise the practical changes which will be authorised by the current application.

APPENDIX ONE: PLAN

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APPENDIX TWO: LANDSCAPE PLANTING PLANS

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