

**IN THE MATTER of the Fast-track Approvals Act 2024**

**AND**

**IN THE MATTER of Takitimu North Link Stage 2 (FTAA-2507-1085)**

**JOINT STATEMENT (JS) IN RELATION TO:**

**WORKSHOP on CONDITIONS (1)**

**Date: 21 January 2026**

Workshop Held on: Date: 21 January 2026

Venue: In-person in Tauranga

Independent Facilitator: Marlene Oliver

Admin Support: Antonia Vincent

**1 Attendance:**

**1.1** The list of participants is included in the schedule at the end of this Statement.  
Note: This schedule includes details of the participants expertise and employment/role.

**1.2** Advice from the Facilitator (Marlene Oliver):  
In accordance with the Panel's directions, in particular Minutes 3 and 4, I confirm that I agree to Alice Hall attending the Conditions Workshop on the basis that her contribution will relate to matters of detail, assisting with navigating the conditions, particularly their architecture. Alice's attendance will be in her role as conditions manager for the project and not as legal counsel. I consider that her attendance will assist me in facilitating the workshop.

**2 Basis of Attendance and Environment Court Practice Note 2023**

- 2.1** All participants agree to the following:
- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the Workshop;
  - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023 to the extent that it is relevant to their role and participation in this Workshop
  - (c) They will make themselves available to appear before the Panel if required;
  - (d) This statement is to be filed with the Panel and posted on the EPA website.

### **3 Matters considered at the Workshop – Agenda and Outcomes**

#### **3.1 Background Comments**

For NZTA EK explained that the applicant is seeking a different form of consent under the Fast Track legislation compared to the RMA. This includes for example no standard condition 1 and increased flexibility. There is no intent to reduce the mitigation that has been agreed.

CB Pirirākau - expressed concern about this new NZTA position and tone, given the considerable time and effort contributed by the hapū and the agreements reached by the hapū and NZTA. KK reiterated the importance of the Ngā Hapū ō Ngāti Ranginui Claims Settlement Act 2025 and the requirement for its recognition.

#### **3.2 Deemed certification**

EK explained that this is a process condition whereby NZTA lodges a management plan or similar with the approving authority and if no response has been received within a set time period, then it is assumed that certification has been approved. The intent is to avoid delays in getting a timely response from the approving authority.

MB for the regional council strongly opposes this approach – as previously set out in their statements (below). Alternative wording has been proposed (LC.01 Condition 6.7) but EK advised that NZTAs condition was still preferred.

##### **3.2 Deemed Certification of management plans, documents and plans**

BOPRCs comments (sections 3.1 and 12.3), dated 9 December 2025, on the substantive application regarding deemed certification still stand. NZTA has relied significantly on the provision of management plans to manage effects at a future date. BOPRC strongly opposes the approach of deemed certification, as this has the potential for sub-standard plans, which haven't been certified, to be adopted by default, with sub optimal sustainable management outcomes. BOPRC needs sufficient time to review and respond to this information. Alternative conditions have therefore been proposed by BOPRC.

CW for the district council strongly opposes this approach also.

CB considers the language of the proposed condition is unclear and the hapū strongly oppose this type of condition. KK advised that Pirirākau and Ngāti Taka support CBs position and comments and consider that the BOPRC alternative wording could be helpful for the Panel to consider.

RD for Heritage NZ strongly opposes this condition.

CG for DOC strongly opposes this condition.

After the discussion at the workshop, EK confirmed that NZTA would continue to seek their condition and would present it to the Panel for their decision.

#### **3.3 Archaeological Authority conditions**

- a. Condition AA3 (Archaeological Management Plan, including kōiwi discovery)

RD for Heritage NZ confirmed that the NZTA December 2025 version is not acceptable. In brief HNZ standard wording is "Written Approval" and is not "Certification". If NZTA wish to proceed with certification then the list of contents for an AMP (AA3(b)) will need to be more extensive. If NZTA use the wording "written approval" then AA3(b) does not need to be an exhaustive list and the current version of AA3(b) would be acceptable. Condition AA3(b)vi.4 (in relation to kōiwi) be

reworded to “in accordance with” rather than “taking into account”. AA3(c) is unacceptable to HNZ as it relates to a third party and there is nothing for HNZ to be approving. RD suggests it would be more appropriate for this matter to be part of the development of the management plan. Condition AA3(d,e&f) need to refer to “written approval”. AA3(d) delete “that the AMP satisfies the requirement of AA3(b)”. AA3(f) delete “in accordance with AA3(b)”. AA3(g) to be deleted.

b. Condition AA4 (Archaeological Research and Mitigation Strategy)

RD - Condition AA4(b) is unacceptable to HNZ for the same reasons as AA3(c) above. Again, RD suggests there may be better ways for NZTA to engage with hapū. AA4(c,d&e) to have “certification” replaced with “written approval”. AA4(e) delete reference to AA4(c). AA4(f) to be deleted.

c. Condition AA6 (cultural induction and pre-investigation meeting)

RD – Condition AA6 is not acceptable to HNZ as it cannot monitor “an offer”. RD suggests it may be more appropriate as part of the contents of an AMP.

d. Advice Note 2

RD is not acceptable to HNZ as reporting requirements are important. RD notes that NZTA is currently in non-compliance with Stage 1 of Takitimu North Link as final reports have not been presented.

RD advised that the other proposed conditions not referred to above are acceptable to HNZ.

**In response, EK for NZTA** confirmed that “certification” will be replaced with “written approval” throughout the conditions however NZTA wishes to retain the cross references to other parts of AA3. In Condition AA4(e) agree to delete the words “certification in accordance with AA4(c)”. EK considers that it is appropriate to have reference to the hapū in the conditions but will review the wording with both hapū and HNZ.

**Comments in response from representatives of Pirirākau and Ngāti Taka are recorded elsewhere in this JS.**

### 3.4 Designation conditions

e. Hapū involvement in management plans (relevant to other approvals as well)

CB, JR-S & EL confirm that the hapū position is described in paragraph 3.9.

f. Construction traffic management plan (offsite / earthworks truck movements) – Conditions CT1 and CT2

CW and JD – with reference to the Panel Minute 7 addressing the potential the proposal to generate excess fill and any associated traffic movements, this could be addressed by additions to the CTMP – for example: *“A description of the location of points of access to/from the site; the quantity of import/export material and general construction traffic use and duration; and the sections of public road to be used”*.

JO clarified that the amount of excess material estimated to be removed off site is approximately 1.1 million cubic metres as set out in the ITA. That is the amount of material that the ITA has assessed in terms of traffic impacts.

EK acknowledged that some further conditions are needed to address the issue and confirmed that NZTA would work with WBOPDC to agree specific new condition wording, similar to their proposal to give effect to the first suggested wording italicised above.

CW, JD and EK agree to the following amendment to the CTMP:

- (d) Details of the routes and estimated numbers of heavy vehicles per hour and day that will use local roads (non-state highway) in the haulage of construction materials (including disposal of earthwork cut to waste), together with any proposed safety and efficiency controls to mitigate safety and efficiency risks to road users;

g. Urban Design and Landscaping conditions (conditions LV1 to LV5)

MKR considers the urban design and landscape conditions provided do not include any conditions which would ensure integration of the of the project's permanent works into the surrounding urban context. Instead, these conditions are solely focused on landscaping outcomes which would do little to ensure that positive urban design outcomes are achieved. He notes as recommended within his statement of evidence that it is common practise for other transport designations which are located within greenfield urban areas. The proposed conditions need to be strengthened to ensure positive urban design outcomes and reasonable integration with surrounding land use is achieved, particularly if this project is not developed for some time. This relates in particular to Francis Road.

EK confirms that NZTA can agree to changes to the LV conditions to account for future urban development/structure plans in relation to the Francis Road area. EK agrees to further discussions with MKR and WBOPDC with a view to providing additional wording in the conditions.

### 3.5 NESCS and RNRP contaminated land conditions

#### Administrative process between regional and district council

CW, JD and EC confirmed that the administrative process between regional and district council is agreed and is a continuation of the current practises whereby the regional council receives and certifies documentation under the NESCS and RNRP consenting requirements including on behalf of the district council. This practise will continue for Takitimu North Link Stage 2.

EK confirmed NZTA supports this.

#### Contaminated land conditions

EC advised that BOPRC remain concerned that the current condition wording and framework provided by NZTA provides unnecessary uncertainty, and compromises on environmental outcomes. EC commented as follows:

The available technical information provided with the substantive application is significantly lacking. To date the only available contaminated land report is a preliminary site investigation report. While this report hypothesises the potential extent of contaminated land along the proposed alignment, there is no substantive information on the type or concentration of contaminants and extent of contamination present. Subsequently, the submission of all technical information needs to form part of the conditions of consent.

BOPRC needs to be provided with sufficient time to review and respond to this information. The submission of the information alone is not appropriate, nor is deemed certification. This relates to all contaminated land reports being provided as conditions of consent, which are currently not available for review, prior to works commencing – e.g. Detailed Site Investigations, Contaminated Site Management Plan, Remediation Action Plan, Site Validation Reports, Works Completion Reports and Ongoing Site Management Plans.

EC advised that BOPRC had provided proposed conditions in DC.02.

MB outlined the advantages to the council of the BOPRC version of conditions which are structured around individual consents per activity. This structure is standard within the council and reflects the basis on which subsequent monitoring and compliance and reporting (e.g. to MFE) occurs. The NZTA structure which is a single list of conditions for the whole project (1-53) is not helpful to the council nor compatible with its computer system.

EK confirmed that the required management plans will be supplied as per the NZTA conditions of consent. NZTA do agree that the DSI will be submitted for certification, rather than for information.

JO considers that the substantive application which included a PSI (preliminary site investigation) based on the specimen design was sufficient information to identify whether you need to undertake the more Detailed Site Investigations (DSI). EC, MB, JD and CW agree.

This subject (contaminated land) remains an area of disagreement between NZTA and (BOPRC and WBOPDC).

### **3.6 Wildlife Approval conditions**

#### **h. Standard wildlife permit conditions**

CG advised that DOC has wording for 5 standard conditions which they consider are appropriate and necessary for their subsequent administration of the permit. These are labelled Variations, Costs, Liabilities, Revocation and Compliance.

EK considers these conditions are either a statement of law and duplication of NZTA's existing statutory abilities and / or are not necessary to manage the effects of the project.

#### **i. Specific conditions**

CG advised that DOC Condition WA1 was proposed as a second option to the Panel in place of DOC Condition WA4.

EK notes DOCs position but NZTA does not seek for the management plan to be approved by the Panel.

CG advised the DOC Condition WA1 is preferred, and the Panel is requested to approve the LMP if it is going to approve the Wildlife Permit.

JO confirmed that there is currently a draft LMP. KK advised that hapū do not want the Panel to approve this draft LMP as part of the Wildlife Permit. This is consistent with the wider management plan position of hapū as recorded in the Ecology JWS dated 20th January 2026 and elsewhere in this Statement.

CG advised that DOC Condition WA3 has been included to require the LMP to be reviewed and recertified by DOC after 10 years, recognising that habitats and best practise could change. This condition has not been agreed between DOC and NZTA.

KK advised that hapū do not consider it appropriate for DOC and NZTA to be reviewing and recertifying any management plans involving taonga without active hapū involvement.

EK and CG confirmed that the agencies (NZTA and DOC) agree that hapū should be actively involved in the preparation of LMP's.

CG explained that normally Wildlife Act approvals of this nature are only approved for 10 years and when DOC is processing they carry out their own form of engagement but the FTAA disrupts the standard DOC engagement and processing.

j. Detail to be included in the lizard management plan vs conditions

CG advises that DOC's conditions WA6 to WA11 are standard wildlife permit conditions promoting best practise and have been prepared by DOCs lizard technical advisory group.

EK agrees with this best practise but considers that NZTAs conditions provide for this but use different wording.

KK advised that the hapū are concerned that DOCs conditions have no reference to hapū and do not recognise the kaitiaki role of hapū (Section 4 of the Conservation Act 1987). Specifically, as an example: WA6 and the authority assumed by DOC around access to taonga by hapū.

CG acknowledged the concerns of hapū and advised that she is happy to consider alternative wording to Conditions WA6 to WA11 in consultation with DOC staff.

### 3.7 Resource consent conditions

EC advised that in summary, the key outstanding issues for the BOPRC are:

- Deemed certification
- No condition proposed by NZTA for works to be undertaken in accordance with documents and plans etc. (refer to as a "Condition 1")
- Contaminated soils
- Fish passage (Note the following statement corrects the text contained in the BOPRC's Position Statement for the conditions workshop dated 16 January 2026 by inserting the word "not" in line 6)
  - The conditions proposed by NZTA fail to refer to fish passage requirements in multiple places. This is concerning, as the provision of fish passage has been recommended by the Ecological Effects Assessment (EEA), and allowing, for, fish passage throughout the project envelope (except where there is no fish habitat upstream of a structure) is key to avoid effects on native fish communities. Examples include NZTA's proposed conditions 39 and 40 which do not reference fish passage requirements. BOPRCs recommended conditions (see RM25-0466-LC.01) refer to fish passage requirements.
- Ecology matters as discussed in JWS from the expert conference on 20 January 2026
- Groundwater drawdown management plan
- Condition structure proposed by NZTA

EC advised that gaps in the conditions proposed by NZTA have been highlighted in BOPRCs recommended conditions (9 December 2025 version), BOPRC's Position Statement for the conditions workshop dated 16 January 2026 (attached) and the comparative conditions table (attached).

EK considers that the majority of the "gaps" and additional conditions proposed by BOPRC are appropriately addressed and included in the NZTA conditions e.g. the Unexpected discovery of contaminated soils is included in NZTAs Contaminated Site Management Plan, rather than as a separate condition. Similarly, the NZTA conditions proposed a separate condition requiring compliance with the Fish Passage Guidelines, whereas BOPRC's version of conditions refers to the fish passage requirements a number of times e.g. relating to culverts, stream diversions and temporary diversions.

For DOC, LW confirms that there are outstanding matters highlighted by BOPRC on ecological matters, in particular discussions relating to steams and lizards.

LW also opposes deemed certification conditions for the resource consent conditions.

LW supports the proposed amendments made to conditions by BOPRC relating to Ecological Management Plan, Lizard Management Plan, Bat Management Plan, Ecological, Restoration and Landscape Planting, vegetation clearance condition, and fish passage.

### **3.8 Complex freshwater fisheries approval conditions.**

CG advises that currently there is no separate approval and proposed conditions from NZTA. DOC requires a separate consent and conditions. Standard conditions were recommended by DOC in the Section 51 comments.

EK advised that NZTA understood the FTAA did not require separate conditions to be identified for a complex fisheries approval, as they are included in the resource consent conditions. EK advised that NZTA would consider this further but acknowledges that if conditions are required separate to the resource consent, they can be readily provided.

### **3.9 Representatives for Pirirākau and Ngāti Taka (KK, CB, JR-S & EL) provide the following for the Panel's consideration:**

#### Hapū position:

As set out in the CIAs of Pirirākau and Ngāti Taka, TNL2 is occurring within these hapū rohe and both hapū have kaitiaki obligations and mana whenua status.

Pirirākau and Ngāti Taka note that NZTA, DOC and HNZPT as representatives of the Crown are Treaty Partners with both hapū. This means that they have obligations to uphold Treaty Settlements including the settlement with Ngā Hapū o Ngāti Ranginui.

Pirirākau and Ngāti Taka have been clear that their intended involvement in the TNL2 project includes active involvement in detailed design, in management plan development and implementation, and monitoring. The current conditions proposed by NZTA do not adequately address effects on cultural values, nor do they provide for a sufficient level of hapū involvement in the writing and implementation of management plans and in the ongoing monitoring of cultural effects. Recommended conditions are included below to assist the Panel.

#### Alignment with BOPRC conditions:

Pirirākau and Ngāti Taka generally align with the environmental protections proposed by BOPRC. The outstanding concern to hapū is that these conditions are technically robust but culturally silent. Cultural impacts are effectively assumed to be managed elsewhere (designation or AA conditions), but the risk is that this creates regulatory silos that undermine CIA mitigation.

Both hapū CIAs treat soil disturbance, water quality, and contamination as cultural effects as well as environmental ones. Tikanga must inform responses (e.g. management plans), not sit outside them. Without clear requirements for hapū involvement, escalation, and integration with tikanga, these conditions risk locking in decisions that undermine the CIAs' mitigation frameworks.

#### Deemed certification

Concerns have been raised about the inclusion of 'deemed certification' in conditions. Both Pirirākau and Ngāti Taka oppose the use of 'deemed certification'.

The Pirirākau CIA sets out clear mitigations for effects of cultural heritage. The issue before the Panel is that several of those mitigations — particularly early involvement, hapu kawa and tikanga-led kōiwi management, and avoidance of default approvals — are not fully given effect in the current conditions. Pirirākau hapu cannot accept pre-requisite technical deemed certification over the management on their cultural heritage.

The Ngāti Taka CIA also assesses impacts on cultural values and sets out mitigations which are required to address these impacts. Ngāti Taka agrees that default certification or technical-only certification of management plans without hapū input would be unacceptable and would give rise to additional risks to cultural values.

**Pirirākau and Ngāti Taka recommend the following to aid the Panel in their decision making.**

#### Management plans

- That all management plans are required to include detail about the management of cultural effects, mitigation and monitoring, as informed by cultural experts from Pirirākau and Ngāti Taka.
  - This is required as NZTA's proposed conditions do not adequately provide for the management of cultural effects and associated mitigation and monitoring. Pirirākau and Ngāti Taka consider that specific conditions requiring cultural matters to be included in management plans would provide clarity and certainty to all people involved in developing and implementing those management plans, including hapū.
- That the requirement for review of management plans (and any amendments to plans) by hapū is retained as a further measure to ensure hapū oversight of management plans. However, on their own these review conditions are insufficient.

#### Cultural monitoring

- That a long-term cultural monitoring programme is implemented, to ensure that cultural effects are managed over the lifetime of the TNL2 consents and approvals.
  - A cultural indicator framework with consistent monitoring would ensure that this occurs consistently across the project, and we consider that the Panel could add it as an over-arching condition.
- That a condition is included that cultural input into management plans, implementation of mitigations and monitoring (during construction and long-term) will be funded by NZTA.

Note that cultural monitoring is different to a cultural indicator framework.

#### Archaeological Authority

- Ngāti Taka and Pirirākau support the changes requested by HNZPT with regards to the approval process for the Archaeological Management Plan (AMP) and the Archaeological Research and Mitigation Strategy (the Strategy).



- Ngāti Taka and Pirirākau acknowledge the HNZPT legislative limitations – i.e. that they cannot monitor conditions involving a third party (AA3(c) and AA4(b) requiring the review of the AMP and Strategy by hapū, and AA6 requiring an offer to hapū re cultural induction). If this limitation means that these requirements are not standalone conditions, then the hapū would require that these are included in the AMP and that the hapū are involved in the development of the AMP (not just review). The co-development of the AMP and Strategy with hapū would need to be added as requirements of the AMP and Strategy, in AA3(b) and AA4 respectively (or, as discussed above, conditions requiring the management of cultural effects, mitigation and monitoring, to be developed with cultural experts from Pirirākau and Ngāti Taka). We also recommend a new condition requiring the Strategy to include cultural values and mātauranga (as per cultural experts from Pirirākau and Ngāti Taka).

#### Cultural Indicator Framework

- Notes on cultural indicators:
- A cultural indicator is something that can be measured and monitored across space and time to show change. These indicators can help determine a response or intervention. Collectively, cultural indicators can be used to understand the overall state of health and wellbeing of resources of the specific environment or ecosystem
- The intent of developing a cultural indicator framework is to provide an assessment method to identify and articulate mana whenua values that can then be used to monitor environmental-cultural changes through time from a cultural perspective as a result of the TNL2 activity.

MB acknowledges the context provided by representatives of Pirirākau and Ngāti Taka but raises a caution that any conditions of consent that may be developed need to be valid and vires, particularly in regard any third parties.

KK considers that there is a lot of scope for a range of planning conditions to address matters raised by Pirirākau and Ngāti Taka including Augier conditions.

EK thanks the hapū for providing their position and context. He believes it will be helpful for the Panel and for NZTA.

## **4 PARTICIPANTS TO JOINT STATEMENT**

4.1 The participants to this Joint Statement, as listed below, confirm that:

- (a) They agree that the basis of their participation and the outcome(s) of the Workshop are as recorded in this Joint Statement; and
- (b) They agree to the introduction of the attached information – Refer to para 3.7 above; and
- (c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it to the extent that it is relevant to their role and participation in this Workshop; and
- (d) The matters addressed in this statement against which participants have recorded their initials are within their area of expertise; and
- (e) This session was held in-person, but in the interests of efficiency, it was agreed that each participant would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other participants and this is recorded in the schedule below.

**Confirmed online and in-person: Date: 21 January 2026**

<b>NAME &amp; EXPERTISE</b>	<b>PARTY</b>	<b>CONFIRMATION REFER PARA 4.1</b>
Evan Keating (EK) (Planning)	Applicant (NZTA) Employee	In-person Yes
Ash Peti (AP) (Planning)	Applicant (NZTA) Employee	In-person Yes
John Olliver (JO) (Planning)	Applicant (NZTA) Consultant	In-person Yes
Alice Hall (AH) (Solicitor)	Applicant (NZTA) Refer to para 1.2 above.	In-person Yes
Eleanor Christensen (EC) (Planning)	BOPRC Employee	In-person Yes
Marlene Bosch (MB) (Planning)	BOPRC Employee	In-person Yes
Chris Watt (CW) (Planning)	WBOPDC Employee	In-person - attended for paragraphs 3.1 to 3.6 (excluding 3.4(e)) in the JS. Yes
James Danby (JD) (Planning)	WBOPDC Consultant	In-person – attended for paragraphs 3.1 to 3.6 (excluding 3.4(e)) in the JS. Yes
Mathew Kerr-Ridge (MKR) (Planning)	Penny Hicks Consultant	In-person – attended for paragraphs 3.1 to 3.3 and 3.4 (f-g) in the JS. Yes
Charlotte Grey (CG) (Wildlife & Fisheries Approvals – Permissions Advisor)	DOC Employee	In-person Yes
Liz Williams (LW) (Planning)	DOC Employee	In-person Yes

Keita Kohere (KK) (Planning)	Ngāti Taka and Pirirākau RMA advisor	In-person – attended for paragraphs 3.1 to 3.6 and 3.9 in the JS.  Yes
Carlton Bidois (Cultural advisor)	Pirirākau Representative	In-person  Yes
Elisabeth Laird (Planning)	Ngāti Taka Consultant	In-person  Yes
Jacqui Rolleston-Steed (JRS)	Pirirākau RMA Technical Advisor	In-person  Yes
Rachel Darmody (Archaeology)	HNZPT Employee	In-person – attended for paragraphs 3.1 to 3.3 in the JS.  Yes

## 1. Introduction

Bay of Plenty Regional Council (BOPRC) has undertaken a review of New Zealand Transport Agency's (NZTA) response to BOPRCs comments on the substantive application dated 9 December 2025 and BOPRCs recommended conditions.

This memo outlines the key outstanding issues that BOPRC has with the application, expert evidence provided by NZTA and NZTA's conditions dated 22 December 2025.

## 2. Response to NZTA's comments

BOPRC acknowledge the comments provided by NZTA.

It is acknowledged that NZTA have taken on board previously provided feedback regarding some of the conditions.

Several of the concerns raised by BOPRC, particularly regarding streams, wetlands and offsetting, have also been highlighted by Mr Graeme Ussher in his ecological report dated 13 January 2026).

BOPRCs engineers (Mrs Kate Everetta and Mrs Sue Southerwood) have reviewed NZTA's proposed conditions and comments on BOPRCs recommended conditions. No specific comments have been made by Mrs Everett and Mrs Southerwood in response to these. Mrs Everett and Mrs Southerwood remain in support of the conditions recommended by BOPRC.

## 3. BOPRCs comments on NZTA's revised conditions (22 December 2025)

### 3.1 Structure of conditions

As noted in BOPRCs comments (section 12.4), dated 9 December 2025, on the substantive application, BOPRC use Accela for generating consent conditions, undertaking compliance and report generation. Accela has certain limitations (e.g. tables cannot be used) and consents are broken up in Accela generally based on sections of the RMA / activity type. BOPRC conditions have therefore been set out to accommodate this structure, with each set of conditions being included in a separate word document:

- RM25-0466-LC.01 – earthworks, vegetation clearance, wetland modification / destruction, temporary use of dust suppressants during earthworks, discharge contaminants to air (dust).
- RM25-0466-LC.02 – drilling.
- RM25-0466-DC.01 – temporary discharges during works.
- RM25-0466-DC.02 – contaminated land disturbance / remediation.
- RM25-0466-DC.03 – permanent stormwater discharges.
- RM25-0466-BC.01 – structures, temporary and permanent surface water diversions.
- RM25-0466-WT.01 – permanent groundwater diversion.
- RM25-0466-WT.02 – temporary groundwater diversion.

BOPRC acknowledge that this does lead to some duplication of conditions across the consents as a whole, (e.g. notification of works, review conditions) but this is unavoidable due to Accela and each consent is a stand-alone consent. An advantage of this structure is that different consents can have different expiry dates.

The condition structure proposed by NZTA will not be able to be accommodated by Accela and each of the consents will be split into separate activity consents as set out in the recommended conditions provided by BOPRC. To accommodate NZTAs structure a separate document, with all the same conditions, could be generated outside of Accela for NZTA. This document won't be utilised by BOPRC.

### 3.2 Deemed Certification of management plans, documents and plans

BOPRCs comments (sections 3.1 and 12.3), dated 9 December 2025, on the substantive application regarding deemed certification still stand. NZTA has relied significantly on the provision of management plans to manage effects at a future date. BOPRC strongly opposes the approach of deemed certification, as this has the potential for sub-standard plans, which haven't been certified, to be adopted by default, with sub optimal sustainable management outcomes. BOPRC needs sufficient time to review and respond to this information. Alternative conditions have therefore been proposed by BOPRC.

### 3.3 Written certification

BOPRCs comments, dated 9 December 2025, on the substantive application still stand. Consent conditions proposed by BOPRC require management plans / documents / plans are provided to BOPRC for written certification by a suitably qualified and experienced professional, not for information purposes only.

### 3.4 Contaminated Land

The revised conditions from NZTA now include many of the relevant contaminated land reports that will likely be required through the project. However, BOPRC remain concerned that the current condition wording and framework provided by NZTA provides unnecessary uncertainty, and compromises on environmental outcomes.

The available technical information provided with the substantive application is significantly lacking. To date the only available contaminated land report is a preliminary site investigation report. While this report hypothesises the potential extent of contaminated land along the proposed alignment, there is no substantive information on the type or concentration of contaminants and extent of contamination present. Subsequently, the submission of all technical information needs to form part of the conditions of consent.

BOPRC needs to be provided with sufficient time to review and respond to this information. The submission of the information alone is not appropriate, nor is deemed certification. This relates to all contaminated land reports being provided as conditions of consent, which are currently not available for review, prior to works commencing – e.g. Detailed Site Investigations, Contaminated Site Management Plan, Remediation Action Plan, Site Validation Reports, Works Completion Reports and Ongoing Site Management Plans.

16 January 2026

### 3.5 Freshwater ecology

BOPRC acknowledges that NZTA have made some amendments to their proposed conditions (22 December 2025), including adjustments to condition 27 (Stream Management and Monitoring Plan). These are considered appropriate improvements, in particular:

- The requirement to establish aims and objectives for stream realignments (condition 27.1(a)i); and
- The inclusion of a prescriptive list of features to be incorporated into stream realignment designs (condition 27.1(a)10).

Section 6 of BOPRCs comments on the on the substantive application still stand. BOPRC and NZTA disagree as to whether stream realignment is remediation or offsetting. BOPRC considers that stream realignment is a form of offsetting the loss of existing stream extent and habitat. Consequently, the offsetting principles should be applied to ensure that adverse effects are managed appropriately. BOPRCs recommended conditions allow for this and should be retained.

NZTA has opposed the requirement proposed by BOPRC for “Successive monitoring of stream realignments to be carried out for a minimum of ten years following the completion of Construction Works” (condition 26.1(a)4.b.iv of RM25-0466-LC.01). The conditions proposed by NZTA only require two years of monitoring following the completion of works (applicants condition 27.1(a)5.iv). Two years of monitoring is insufficient as streams will require more than two years to achieve similar values to those that were lost. Ten years of monitoring following completion of construction, at a minimum, is recommended by BOPRC.

NZTA opposes condition 26.2 of RM25-0466-LC.01 proposed by BOPRC which requires a Stream Baseline Monitoring and Methodology Plan (SBMMP) to be prepared separately from the Stream Monitoring and Management Plan (SMMP). The SBMMP is intended to detail the survey methods and locations for Stream Ecological Valuation (SEV) assessments to be undertaken to inform offsetting calculations and designs for stream realignments / reinstatements. This is necessary to ensure that realigned stream channels successfully offset the effects of loss of stream extent, function and values. NZTA states *“either the conditions are complied with and the outcomes, as set out in the conditions are achieved, or they are not and NZTA is in breach of the conditions”* (comment 16.22<sup>1</sup>). This is not disputed, but there needs to be certainty that the desired outcomes and methods for measuring their achievement are developed based on sound methods and data prior to works commencing. Therefore, sufficiently detailed surveys of stream habitats (i.e. SEVs) that will be reclaimed should be completed in advance of works occurring, and the desired outcomes for stream realignments and measures of success should be developed with reference to this baseline data.

The intention behind recommended condition 26.2 of RM25-0466-LC.01 is to allow for baseline monitoring methods to be prepared and submitted to BOPRC for review separately from the SMMP. This is necessary due to the requirement, under condition 27 proposed by NZTA, to submit the SMMP to BOPRC 20 working days prior to commencing stream works. Condition 27

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<sup>1</sup> Attachment 2 *Takitimu North Link – Stage 2, NZ Transport Agency Waka Kotahi (NZTA) response to comments from Bay of Penty Regional Council (BOPRC) dated 9 December 2025.*

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of NZTA's proposed conditions also requires the details of baseline monitoring (27.1(a)5.i) to be detailed in the SMMP. BOPRC recommend that a SBMMP be prepared separately from the SMMP.

BOPRC recommends condition 12.1(e) of RM25-0466-BC.01, which requires the consent holder to prepare a mitigation package, including an offsetting package for the loss of stream extent and values, providing justification for the offsetting proposed and accounting for the risk of failure and time lags, including detailed methods for success monitoring. BOPRC supports the statement made by Mr Ussher in his ecological report dated 13 January 2026, that stream loss and realignment should be considered at the level of the watercourse, rather than across the entire project scale, and this level of detail should be discussed in the mitigation package.

BOPRCs recommended condition 12.8 of RM25-0466-BC.01 provides a cap on the length of stream that could be reclaimed by realignment or culverting. The number referenced in this condition (3500 m) has been based on information previously provided by NZTA. NZTA have rejected this condition and have instead included a clause under the SMMP condition that states, "*The SMMP shall demonstrate that the total length of streams to be created as a result of stream realignments is equal to or exceeds the total length of streams that are infilled or culverted*" (condition 27.1(b)). While this addition is considered an improvement to the previous conditions proposed by NZTA, and provides some reassurance that, at a minimum, lost channel length will be replaced, the wording proposed by BOPRC is preferred as this will at a minimum provide a limit – and therefore some certainty – on the extent and scale of the effect of stream loss.

The conditions proposed by NZTA fail to refer to fish passage requirements in multiple places. This is concerning, as the provision of fish passage has been recommended by the Ecological Effects Assessment (EEA), and allowing, for, fish passage throughout the project envelope (except where there is no fish habitat upstream of a structure) is key to avoid effects on native fish communities. Examples include NZTA's proposed conditions 39 and 40 which do not reference fish passage requirements. BOPRCs recommended conditions (see RM25-0466-LC.01) refer to fish passage requirements.

### 3.6 Wetlands and terrestrial ecology

#### *Lizard Management Plan (LMP)*

NZTA has misinterpreted BOPRCs comment regarding the written certification of this plan. BOPRC consider that it is appropriate for the Department of Conservation (DOC) to certify the LMP and then the DOC certified version can be provided to BOPRC – the LMP does not need to be provided to BOPRC for written certification. BOPRCs recommended conditions for the LMP reflects this approach. The construction work needs to be undertaken in accordance with the LMP, so this management plan needs to be provided for in the resource consent conditions. BOPRC will also undertake compliance monitoring in accordance with the LMP.

#### *Response to applicants' wetland ecology evidence*

The comments below respond to the wetland-related Statement of Evidence from Mr Andrew Blayney, dated 9 December 2025.

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### *Magnitude of effect*

BOPRC supports the overall magnitude of effects assessed in the Ecological Effects Assessment (EEA) at the catchment scale.

### *Compensation and offsetting*

BOPRC acknowledges that; if successful implementation of a 1:1:1 ratio for moderate value wetland would not result in a net loss of wetland area. However, BOPRC does not consider a 1:2 ratio of wetland loss to creation to necessarily result in equal benefits compared to a 1:1:1 ratio of wetland loss to creation to restoration.

Restoration activities vary significantly in their ecological benefit and ratios need to account for this variation. To maintain flexibility, restoration categories could be defined by their type and intensity and associated with ratio multipliers that reflect the expected ecological outcomes.

Ideally, both the Ecological Management Plan (EMP) and the Wetland Management Plan (WMP) should be provided prior to consent approval to ensure confidence in feasibility and delivery of ecological outcomes. At a minimum the following elements should be mapped and referenced in consent conditions to provide certainty, clarity and enforceability:

- Areas / locations of wetland creation and restoration required to offset effects on high, moderate and low value wetlands.
- Remaining portions of impacted wetlands that will be restored, as identified on page 150 of the EEA.

BOPRCs recommended conditions (see RM25-0466-LC.01) could be expanded to capture the above two points.

In point 16.9 of NZTAs response to comments document NZTA<sup>2</sup> states that “DOC also agrees that the ratios proposed by NZTA are appropriate”. DOC have confirmed that this statement is not correct as they have not agreed to the wetland ratio’s proposed by NZTA. A letter of correction (dated 16 January 2026) has been issued by NZTA regarding this point.

The evidence from Mr Blayney states that a loss of natural inland wetland in the Ōmokoroa and Merrin Wetland will require 2.56 hectares (ha) of wetland creation in addition to the restoration proposed in Appendix 10 of the EEA. BOPRC supports the compensation proposal, in principle, but note that there are issues such as lack of consistency with the Landscape Plan and some areas mapped as restoration being beneath the road footprint.

The conditions proposed by NZTA do not reference the restoration outlined in Appendix 10 of the EEA and therefore provide no certainty that the restoration will be implemented. Proposed condition 30.2 states that the consent holder “shall offset or compensate that loss through creation of new Wetland/s and restoration of existing Natural Wetlands” but does not commit NZTA to any specific level of restoration. BOPRCs recommended condition 31.2 of RM25-0466-LC.01, could be expanded to reflect this. BOPRCs recommended conditions require the proposal

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<sup>2 2</sup> Attachment 2 *Takitimu North Link – Stage 2, NZ Transport Agency Waka Kotahi (NZTA) response to comments from Bay of Plenty Regional Council (BOPRC) dated 9 December 2025*



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to be undertaken in accordance with the EEA and relevant management plans. Ideally the Wetland Management Plan should be provided prior to consent being granted for review.

#### *Maintenance of wetland restoration areas*

NZTAs proposed conditions (28.4 and 28.5) refer specifically to maintenance of plantings rather than ongoing maintenance of all wetland restoration and creation areas. While maintenance of plantings is important to ensure successful establishment, sustained management is required for all restoration areas – planted and not planted – to secure long-term biodiversity outcomes. Without sustained pest plant control, there is a significant risk that the intended offsets will be undermined.

Ideally, such management should be ongoing in perpetuity, however, BOPRC acknowledges the practical limitations of requiring actions beyond the consent term.

BOPRC recommended conditions include:

- Performance standards / targets for all restoration areas, not just plantings.
- Pest management for all restoration areas, not just plantings, for the duration of this consent.

BOPRCs recommended condition 31.7(b) of RM25-0466-LC.01 should be expanded to ensure that pest plant management is also undertaken for wetland creation areas for the duration of the consent (to maintain the low pest plant cover (>5%) achieved during maintenance).

Appendix 3 and 4 of the National Policy Statement for Indigenous Biodiversity (Principles for Biodiversity Compensation and Offsetting) emphasise the importance of long-term outcomes, stating that offsets or compensation should be managed to secure results that “*last at least as long as the impacts, and preferably in perpetuity*”.

### 3.7 Groundwater

BOPRC acknowledge that condition 5.4 of NZTAs proposed conditions indicates that the Management Plans can be submitted in stages. However, this doesn’t resolve the issue regarding the wording of the Groundwater Drawdown Management Plan (GDMP).

BOPRC still have issues with the wording of conditions 41.2 and 41.3 of NZTAs proposed conditions. With the proposed wording, (*to be installed*) and the analysis of pre-construction testing and monitoring (*when complete*), the GDMP may be submitted to BOPRC 40 working days prior to construction starting with no piezometers installed and no monitoring or trigger levels developed.

It isn’t clear how much baseline groundwater data will be available prior to construction starting in order, to assess the relevance of the trigger levels developed – this may vary depending on the length of time that dewatering is occurring.

In terms of groundwater dewatering, NZTA should be able to estimate maximum inflows based on guidelines (e.g. ECAN Dewatering Guidelines) or calculate them using the 3D groundwater modelling proposed under the GDMP – this will enable NZTA to estimate rate(s) of take for dewatering.

BOPRCs recommended conditions (conditions 4.1 and 4.2 of RM25-0466-WT.01) provide a staged approach and suitable timeframes for the submission of the GDMP to BOPRC for written certification.

### 3.8 Temporary Stormwater

BOPRCs comments on the substantive application, dated 9 December 2025, still stand in relation to water quality limits for temporary discharges during construction / earthworks. The imposition of water quality limits is not inconsistent with the Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010/01.

For example, for winter earthworks, the guidelines state that earthworks over this period are subject to a reduced earthworks scope and inclusion of a water quality standard. Water quality limits are important for earthwork activities for enforcement and compliance purposes.

### 3.9 Permanent Stormwater

NZTA's proposed conditions do not represent a substantial improvement over those provided in October 2025. Details regarding stormwater contaminants and thresholds are proposed to be deferred to the relevant management plans. Although BOPRC acknowledge that this can lead to good outcomes, it does reduce the upfront certainty of acceptable effects. The comments BOPRC made in response to the substantive application (Section 7), dated 9 December 2025 and the consent conditions recommended by BOPRC still stand.

NZTA's proposed condition 21.2 – post-construction monitoring is only required for up to two years after completion of construction works that discharge to the Te Puna and Mangawahi Estuaries. As the stormwater discharges are permanent, on-going monitoring is important, as recommended in BOPRCs conditions (see conditions 8.1 to 8.13 of RM25-0466-DC.03), as the contribution of sediment to the estuaries has been acknowledged as a cumulative effect on the habitats of the Te Puna and Mangawahi Estuaries.

NZTA's proposed condition 22 a Marine Monitoring Plan is proposed. The purpose of this is to *“characterize the marine environment and to understand and manage the impacts of an accidental sediment discharge event from the Project Works on the marine environment”*. Given the monitoring is proposed to occur pre-, during- and post-construction, the Marine Monitoring Plan should also address the effects of permanent stormwater discharges – as recommended in BOPRCs recommended conditions (condition 21.1 of RM25-0466-LC.01). One notable change in the December 2025 conditions from NZTA – the implementation of the Marine Monitoring Plan is now limited to a period ending two years after completion of Construction Works that discharge to the Te Puna and Mangawahi Estuaries. BOPRC do not support this limitation and consider that the Marine Monitoring Plan should be implemented for the duration of the consent as originally proposed by NZTA.

BOPRC, support, the addition of condition 27.1(a)4.i.8. (monitoring water quality). In addition to this BOPRC recommend that sediment concentrations (copper, lead and zinc) be required as monitoring parameters, as these metals are not proposed to be measured in the water column. These measures provide a robust indicator of long-term effects.

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#### 4. BOPRCs recommended conditions

BOPRC has recommended a suite of consent conditions for each activity proposed by NZTA. The conditions recommended by BOPRC, take into account, the comments provided by each of the experts who have technically reviewed the proposal, BOPRCs standard conditions (earthworks, contaminated soil, temporary discharges), project specific conditions, compliance recommendations and NZTAs proposed conditions. BOPRC have recommended some conditions to address gaps in the conditions proposed by NZTA, for example temporary and permanent diversions.

As outlined in BOPRCs comments (Section 12.5), dated 9 December 2025, on the substantive application, BOPRC recommend conditions relating to works being undertaken in accordance with the substantive application, management plans, erosion and sediment control plans, etc. Where effects are managed through a management plan or there is reliance on detail in any other document, the management plan / document must be referenced in the conditions to make the detailed requirements enforceable.

The conditions recommended by BOPRC provide the most certainty from both a consent holder / contractor perspective and a regulatory / compliance perspective.

#### 5. Management Plans, Documents and Plans

BOPRC agrees with Mr Graeme Ussher's recommendation in his ecological report dated 13 January 2026, that a draft Ecological Management Plan and its associated sub-plans be provided to the panel for review.

BOPRC support this approach for the provision of other management plans, documents and plans required for the proposal.

#### 6. Summary

This memo has outlined the key outstanding issues that BOPRC has with the application, expert evidence provided by NZTA and NZTA's conditions dated 22 December 2025.

For any questions regarding the content of this memo please contact either:

Eleanor Christensen [eleanor.christensen@boprc.govt.nz](mailto:eleanor.christensen@boprc.govt.nz) or

Marlene Bosch: [marlene.bosch@boprc.govt.nz](mailto:marlene.bosch@boprc.govt.nz)

Nga Mihi

Eleanor Christensen

Senior Consents Planner, BOPRC

	A	B	C	D	E	F	G	H	I	J
1	NZTA		<b>BOPRC Condition sets</b> <b>Note:</b> This table provides a cross reference between the condition sets. Red text indicates gaps and an entire condition set added by BOPRC <i>However, please note that there are significant additions to consent condition even where the headings align - refer to the BOPRC condition set where the additions and changes are marked up in red text</i>							
2	Dec. 2025		LC.01	LC.02	BC.01	DC.01	DC.02	DC.03	WT.01	WT.02
3			Earthworks	Drilling	Works/ Structures in beds of streams	The temporary discharge of: 1. sediment contaminated stormwater, 2.dewatering fluid 3. chemical flocculants 4.cement to land where it may enter water	Disturb contaminated land	Permanent Stormwater discharge	Damming and diversion of water	Take and use of groundwater
4		Purpose	1	1	1	1	1	1	1	1
5	1	Resource Consents	Top, not numbered							
6	2	Location	3	3	2	3	2	3	2	2
7		Consent lapse and Expiry	2	2	3	2	3	2	3	3
8	3	Pre-construction conditions – notification of works	4		4					
9	4	Review of consent conditions	5	4	17	4	19	4	6	4
10	5	Management Plans	6							
11	6	Deemed Certification of Management Plans	6							
12	7	Management Plan(s) for Enabling Works	7							
13	8	Use of Construction Equipment, Machinery and Other Plant	Delete							
14	9	Erosion and Sediment Control Plan	8							
15	10	Implementation of Erosion and Sediment Control Devices and other Erosion and Sediment Control measures	9							
16	11	Monitoring and Reporting for Erosion and Sediment Control Devices	10							
17	12	Site Specific Erosion and Sediment Control Plan	11							
18	13	Construction Management Plan	12							
19	14	Biosecurity Management Plan	13							
20	15	Ecological Management Plan	14							
21	16	Construction Air Quality Management Plan	15							
22		Dust Control	16				10			
23	17	Chemical Treatment Management Plan/ Use of chemical flocculants				6				
24	18	Pre and Post-Excavation Building Surveys	17							
25	19	Earthworks - General	18							
26	20	Winter Earthworks	19			5 (5.2)				
27	21	Baseline Marine monitoring	20							
28	22	Marine Monitoring Plan	21							
29	23	Wetland Management Plan	22							
30	24	Aquatic Fauna Management and Monitoring Plan	23							
31	25	Avifauna Management Plan	24							

	A	B	C	D	E	F	G	H	I	J
32	26	Bat management	25							
33	27	Stream Management and Monitoring Plan	26							
34		Lizard Management Plan	27							
35		Works impacting natural wetlands	28							
36	28	Ecological, Restoration and Landscape Planting	29							
37	29	Vegetation Clearance	30							
38	30	Wetland restoration and creation	31							
39	31	Final Construction Execution Procedure		5						
40	32	Drilling Works		5						
41	33	Construction Requirements		6						
42	34	Discharge Structures Installation			5					
43	35	Erecting structures over the Bed of a Watercourse			6; 7					
44	36	General works			7					
45		In Bed Erosion and Sediment Control			8					
46		Temporary Stream Diversion			9					
47	37	Te Puna Stream Bridge			10					
48	38	Culverts and Streams/ permanent culverts			11					
49		Permanent Diversion / Stream Realignment			12, 15					
50		Flooding			12, 15					
51		Native Fish Capture and Relocation			13, 16					
52	39	National Environmental Standards for Freshwater – Mandatory Conditions/ Native Fauna and Fish Passage			15					
53	40	Inspections, maintenance, monitoring and reporting			16					
54	41	Groundwater Drawdown							4	
55		Groundwater Damming and diversions							5	
56	42	Detailed Site Investigation					4			
57	43	Contaminated Site Management Plan					5			
58	44	Remedial Action Plan					6			
59		Soil disturbance works					7			
60		Stormwater Management and Treatment					8			
61		Soil stockpiles					9			
62		Importation of Soil and the Disposal of Contaminated Soil Offsite					11			
63		Site Manangement					12			
64		Unexpected Contamination					13			
65		Asbestos Contaminated Soil Disturbance					14			
66	45	Site Validation Report					15			
67	46	Discharging Temporary Contaminants to Land and Discharge or Temporary Dust Suppressant Chemicals								
68	47	Discharging Contaminants to Water				5				
69		Temporary Discharge Management and Treatment				5				
70		Dewatering fluid management and treatment				7				
71		Discharge cement to groundwater				8				
72		Discharge analysis				9				
73	48	Stormwater Management						5		

	A	B	C	D	E	F	G	H	I	J
74	49	Final Stormwater Design						6		
75	50	Discharge Quantity						7		
76	51	Discharge Quality and Sampling						8		
77		Water take parameters								5
78	52	Water use monitoring								6
79		Sewatering meaures								7