

Takitimu North Link Stage 2 – Proposed Resource Consent Conditions (~~December~~ February 20265)

Resource Consent RM24-0466-WT.01

The following resource consents authorise the Consent Holder to undertake activities associated with the construction, operation and maintenance of the Project ~~and associated activities~~:

- (a) Water permit under the RNRP (s14 RMA):
 1. Diversion: ~~(WQ R21 – Rule 48)~~ Groundwater damming or diversion, ~~with an expiry date in 35 years, and a lapse date in 20 years (after the date of commencement of the Consent).~~
- (b) Resource consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Clauses 45 and 47):
 1. Construction of specified infrastructure (Clause 45(4)): Taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a Natural Wetland for the purpose of constructing specified infrastructure, ~~with an expiry date in 20 years, and a lapse date in 20 years (after the date of commencement of the Consent).~~
 2. Maintenance or operation of specified infrastructure (Clause 47(3)): Taking, use, damming or diversion of water within or within a 100m setback from a Natural Wetland for the purpose of maintaining or operating specified infrastructure, ~~with an expiry date in 35 years, and a lapse date in 20 years (after the date of commencement of the Consent).~~

The resource consents are subject to the following conditions:

1 Definitions

- 1.1 The definitions that apply to this Consent, where relevant, are provided in Appendix 1.

2 Purpose

- 2.1 The purpose of this Consent is to authorise and set conditions for the permanent damming and diversion of groundwater associated with the construction, operation and maintenance of the Project.

3 Consent Lapse and Expiry

- 3.1 Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTAA, this Consent shall expire 35 years after the commencement of this Consent.
- 3.2 This Consent shall lapse 20 years after the commencement of this Consent.
- 3.3 Condition 9 relates to construction of the Project and only apply to construction activities. Upon Completion of Construction these conditions will no longer apply.

24 Location

- 2.44.1 The activities authorised by the Consents shall occur from near Loop Road (map reference: 1870005mN, 5823384mE NZTM2000) to the east of the Waipapa Stream (map reference: 1864989mN, 5827810mE NZTM2000), on land designated by the New Zealand Transport Agency under section 171 of the RMA for the construction, operation and maintenance of a State highway.

Commented [NZTA1]: Inserted in response to BOPRC recommendation

Commented [NZTA2]: Inserted in response to BOPRC recommendation

35 Review of consent conditions

3.15.1 BOPRC may serve notice on the Consent Holder under section 128(1) of the RMA of its intention to review the conditions of these Consents at any time within six months of the first, second, third and fourth anniversaries of the date of commencement of Construction Works, and thereafter five yearly. The purpose of such a review is to deal with any adverse effect on the environment which may result from the consented activity and which it is appropriate to deal with at a later stage.

46 Management Plans

4.16.1 The Consent Holder shall prepare, submit to BOPRC and implement the Management Plans (as defined in Appendix 1), in accordance with the decision pathway, timeframe and duration as specified in the relevant conditions of the Consents. If BOPRC advises (within the relevant timeframe) that a Management Plan that has been provided to the BOPRC for certification is not suitable to certify and provides reasons for this, the Consent Holder shall re-submit the Management Plan to BOPRC for certification in accordance with the requirements as specified in the relevant condition addressing that Management Plan.

4.26.2 Conditions ~~65.3~~ – ~~87.3~~ apply to all plans defined as a 'Management Plan' in Appendix 1 (unless stated otherwise).

4.36.3 The preparation of all Management Plans shall be undertaken by a SQEP (unless stated otherwise).

4.46.4 The Consent Holder may prepare Management Plans in parts to address specific activities or to reflect the staged implementation of Project Works.

4.56.5 The Consent Holder may update a Management Plan by submitting the amendment in writing to BOPRC for certification or for information in accordance with the requirements as specified in the relevant condition addressing that Management Plan.

4.66.6 The Consent Holder shall ensure that Management Plans, including any amendments, are accessible on-site and updated within 10 Working Days of any amendments being certified by BOPRC or provided to BOPRC for information.

4.76.7 The Consent Holder shall provide drafts of the Management Plans (as defined in Appendix 1), ~~including, where practicable, any updated Management Plans under Condition 6.5,~~ to Pirirākau and Ngāti Taka before the Management Plan is to be provided to BOPRC in accordance with the corresponding timeframe requirement in the relevant Management Plan condition and shall provide at least 10 Working Days for their comments. The Consent Holder shall consider any written feedback received from Pirirākau and Ngāti Taka and incorporate suggestions from the written feedback as the Consent Holder considers appropriate. The relevant Management Plan shall include a summary of written feedback received from Pirirākau and Ngāti Taka, and outline how feedback has been incorporated into the Management Plan and, if not, the reasons for that.

Commented [NZTA3]: Inserted in response to hapū feedback

57 Deemed Certification of Management Plans

5.17.1 The Consent Holder shall not commence any Project Works (Construction Works, or Enabling Works, as applicable to the relevant Management Plan) within an area to which ~~a~~ Management Plan condition(s) ~~applies~~ until the required Management Plan has been certified or otherwise provided to BOPRC for information, in accordance with the relevant condition.

5.27.2 If the applicable Management Plan (or amendment) required under these conditions has been submitted to BOPRC for certification in accordance with the relevant condition, and the number of Working Days specified in the condition for submission of the Management Plan to Council has passed, and BOPRC has not certified the Management Plan (or amendment), or advised that the Management Plan (or amendment) is not suitable to certify, the Management Plan will be deemed to have been certified and the Consent Holder may commence Project Works in accordance with the applicable Management Plan (or amendment) as submitted.

68 Management Plan(s) for Enabling Works

- 6.48.1** Where a Management Plan is required to be prepared before the start of Project Works by a condition of the Consents, the Consent Holder may prepare an area or activity-specific Enabling Works version of that Management Plan(s) to authorise the Enabling Works covered by that Management Plan condition(s). A subsequent Management Plan will need to be prepared before the start of the remaining Project Works subject to those Management Plan condition(s).
- 6.28.2** Any Enabling Works version of a Management Plan shall be prepared in general accordance with the requirements of the applicable Management Plan condition(s), with the scope modified to be commensurate with the nature, scale and effects of the proposed Enabling Works and include an explanation of how it will be incorporated into any subsequent Management Plan(s).
- 6.38.3** At least 20 Working Days before the start of the relevant Enabling Works, the Enabling Works version of that Management Plan shall be provided to BOPRC for information, or for certification that it complies with the relevant conditions.

79 Groundwater Drawdown

- 7.49.1** The Consent Holder shall prepare a **Groundwater Drawdown Monitoring Plan (GDMP)**. The purpose of the GDMP is to ensure there will not be significant ground settlement, effects on surface water or effects on groundwater bores.

- 7.29.2** The GDMP shall include:

- (a) Identification of structures, groundwater bores and surface water resources potentially susceptible to groundwater drawdown effects;
- (b) Specific groundwater drawdown locations and construction details (eg depth) of ~~the installation of~~ piezometers, including at properties adjacent to the Designation, to be installed prior to earthworks commencing if property owner approval is provided;
- ~~(c) Pre-construction monitoring requirements to establish groundwater baseline readings;~~
- ~~(d) A 3-dimensional numerical modelling of groundwater drawdown at applicable locations, including calibration to groundwater level monitoring undertaken in accordance with Condition 9.2(c);~~
- ~~(d)(a) Pre-construction monitoring requirements to establish groundwater baseline readings;~~
- (e) Frequency of testing and monitoring of ~~the piezometers~~ groundwater drawdown locations and neighbouring properties, and reporting requirements for this testing (pre-Construction Works, and during Construction Works, and if necessary post-Construction Works);
- (f) Analysis of pre-construction testing and monitoring undertaken pursuant to ~~(cd)~~ and (e), when complete, to determine trigger levels (including alarm and alert levels) for groundwater level and settlement monitoring during Construction Works;
- (g) Methods and actions required where the trigger levels set in (f) are exceeded; and
- (h) Physical mitigation measures to address potential building/structure settlement, groundwater bore interference and surface water resource depletion.

- 7.39.3** At least 40 Working Days before the start of Construction Works involving the take and use of groundwater and / or groundwater diversion, the GDMP shall be submitted to BOPRC for certification that the GDMP satisfies the requirements of Condition 9.4.2.

- 7.49.4** The Consent Holder shall implement the GDMP for the duration of Construction Works.

Commented [NZTA4]: Amendments in response to BOPRC recommendations

ADVICE NOTES

- 1 The Consent Holder shall pay the BOPRC such administrative charges as are fixed from time to time by BOPRC in accordance with section 36 of the RMA.
- 2 The Consent Holder shall send all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, PO Box 364, Whakatāne 3158, or email compliance_data@boprc.govt.nz (compliance reporting) or notify@boprc.govt.nz (compliance notifications).
- 3 For the avoidance of doubt, the deemed certification process in Condition [76](#) applies to Management Plan(s) for Enabling Works.

APPENDIX 1 - DEFINITIONS

The table below defines the acronyms and terms used in these conditions. Defined terms are capitalised.

Abbreviation/term	Meaning/definition
ARI	Average recurrence interval (the average time period between rainfall or flow events that equal or exceed a given magnitude).
<u>At Risk and / or Threatened Species</u>	<u>Species identified as 'at risk' and / or 'threatened' under the relevant New Zealand Threat Classification series.</u>
BOPRC	Bay of Plenty Regional Council, being the Chief Executive, or authorised delegate.
Clean fill	Has the same meaning as in the ' <i>The WasteMINZ Technical Guidelines for Disposal to Land Version 3.1 (2023)</i> '.
CLMG1	Ministry for the Environment <i>Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand</i> (Revised 2021).
CLMG5	Ministry for the Environment <i>Contaminated land management guidelines No 5: Site investigation and analysis of soils</i> (Revised 2021).
Completion of Construction	When construction of the Project (or the relevant part of the Project) is complete, and the Project (or the relevant part of the Project) is operational.
Consent	The relevant consent or consents that the conditions apply to, being: • RM25-0466-LC.01; and / or • RM25-0466-LC.02; and / or • RM25-0466-BC.01; and / or • RM25-0466-WT.01; and / or • RM25-0466-DC.02; and / or • RM25-0466-DC.01; and / or • RM25-0466-DC.03; and / or • RM25-0466-WT.02.
Consents	Consents RM25-0466-LC.01, RM25-0466-LC.02, RM25-0466-BC.01, RM25-0466-WT.01, RM25-0466-DC.02, RM25-0466-DC.01, RM25-0466-DC.03, RM25-0466-WT.02 (unless otherwise specified).
Consent Holder	New Zealand Transport Agency Waka Kotahi
Construction Works	Activities undertaken to construct the Project, excluding Enabling Works.

Abbreviation/term	Meaning/definition
Designation	Designation D203 (Road purposes – State Highway 2) and Designation D181 (Road for access to State Highway 2) in the Western Bay of Plenty District Plan.
Designation Boundary	The boundary of the area of land subject to the Proposed Designation.
DOC	The Department of Conservation
Enabling Works	Preparatory works and investigations to enable Construction Works, including the following activities: • Archaeological investigations • Geotechnical investigations • Formation of access for site investigations • Establishing construction yards and offices • Constructing and sealing (if necessary) access roads and accesses to private properties and the Project • Contaminated land investigations • Demolition or removal works, including contaminated land clearance • Fencing • Vegetation protection or removal works • Protection and relocation of utilities • Establishment of mitigation measures (such as screen planting) for Enabling Works
ESC	Erosion and Sediment Control
FTAA	Fast Track Approvals Act 2024
Large Storm Event	A 10 year average recurrence interval storm or larger storm event

Abbreviation/term	Meaning/definition
Management Plan(s)	The following plans and reports (which are collectively referred to as Management Plans): • Erosion and Sediment Control Plan • Site Specific Erosion and Sediment Control Plan • Construction Management Plan • Biosecurity Management Plan • Construction Air Quality Management Plan • Chemical Treatment Management Plan • Ecological Management Plan including subplans as follows: ○ Marine Monitoring Plan ○ Wetland Management Plan ○ Aquatic Fauna Management and Monitoring Plan ○ Avifauna Management Plan ○ Bat Management Plan if required under LC.01 Condition 27.2 ○ Stream Management and Monitoring Plan • Culverts and Stream Hydraulic Design Report • Groundwater Drawdown Monitoring Plan • Detailed Site Investigation • Contaminated Site Management Plan • Remedial Action Plan if required under DC.02 Condition 11.145.4 • Site Validation Report if required under DC.02 Condition 12.146.4 • Works Completion Report if required under DC.02 Condition 14.1 • Tangata Whenua Values Monitoring and Management Plan • Stormwater Operation and Maintenance Plan • Final Stormwater Design
Merrin Wetland	The Wetland complex identified in Schedule 1 to Appendix 12 .

Abbreviation/term	Meaning/definition
Natural Wetland(s)	A Wetland that is not: (a) in the coastal marine area; (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or (d) a wetland that: (i) is within an area of pasture used for grazing; and (ii) has vegetation cover comprising more than 50% exotic pasture species; unless (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of the National Policy Statement for Freshwater Management 2020.
Ōmokoroa Wetland	The Wetland complex identified in Schedule 2 to Appendix 31 .
PSI	Preliminary Site Investigation
Project	The construction, operation and maintenance of Takitimu North Link Stage 2.
Project Representative	The person or persons appointed by the Consent Holder (or their nominated contractor) to be the main and readily accessible point of contact for anyone wanting information about the Project.
Project Works	All Enabling Works and Construction Works.
Trigger Event	An event in which there is greater than 100mm of rainfall over any 24 hours, 50mm rainfall within 6 hours, or rainfall intensity of 25mm/hr.
RMA	Resource Management Act 1991
RNRP	Bay of Plenty Regional Natural Resources Plan
SSESCP	Site Specific Erosion and Sediment Control Plan
Stabilisation, Stabilised, Stabilised area	Refers to an area inherently resistant to erosion, such as rock, or an area rendered resistant to erosion by the application of stabilisation methods, such as the use of mulch, aggregate, geotextile, or other method approved through the certified SSESCP. Where vegetation is to be used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once an 80% vegetation cover has been established.
Stage of Work	A specific works area or new land disturbing activity associated with construction of the Project as nominated by the Consent Holder.

Abbreviation/term	Meaning/definition
SQEP	Suitably Qualified Experienced Person - a person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence in the relevant field of expertise.
Unwanted organisms (and/or pests)	As defined in s2 of the Biosecurity Act 1993.
Watercourse(s)	Perennial <u>or</u> , intermittent and ephemeral rivers and streams, <u>including modified rivers and streams</u> , but not overland flow paths, <u>artificial watercourses</u> , conveyance channels, Natural Wetlands or Wetlands.
Waterbody	A Watercourse, lake, Wetland, Natural Wetland or aquifer
Wetland(s)	Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.
Working Day	A day of the week other than— (a) Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aroki a Matariki/Matariki Observance Day, and Labour Day; and (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) a day in the period commencing on 20 December in any year and ending with 10 January in the following year.

SCHEDULE 1 TO APPENDIX 21 – MERRIN WETLAND COMPLEX



Indicative extent of Merrin Wetland restoration (white outline), freshwater wetland (blue outline/fill), saltmarsh wetland (green outline/fill).

SCHEDULE 2 TO APPENDIX 13 - ŌMOKOROA WETLAND COMPLEX



Indicative extent of Ōmokoroa Wetland restoration (white outline), freshwater wetland (blue outline/fill), saltmarsh wetland (green outline/fill).