

Appendix R – Proposed NES-CS Consent Conditions

Tauriko West - Tupenga

NES Contamination Resource Consent Conditions

This resource consent authorises the Consent Holder to undertake soil disturbing activities pursuant to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (Clause 11) for the construction of the Project.

The resource consent is subject to the following conditions:

1 Consent Lapse and Expiry

- 1.1 Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTAA, this consent shall expire 35 years after the date on which it is first given effect to.
- 1.2 This consent shall lapse 20 years after the commencement of this consent.

2 Management Plans

- 2.1 Management Plans may be prepared in parts to address specific activities or to reflect the staged implementation of Project Works.
- 2.2 Management Plan(s) may be updated at any time to reflect changes in design, construction methods, or management of potential adverse effects. The amended Management Plan shall be submitted to Council for certification in accordance with the requirements of the relevant conditions relating to that Management Plan, unless the amendment will result in:
 - (a) No, or a de-minimis, adverse impact on environmental outcomes; or
 - (b) An improved environmental outcome.
- 2.3 The Consent Holder shall ensure that Management Plans, including any amendments, are accessible on-site and updated within 10 Working Days of updates having been made in accordance with Condition 2.2.
- 2.4 The Consent Holder shall not commence any Project Works within an area to which a Management Plan condition applies until:
 - (a) The required Management Plan has been certified by BOPRC in accordance with the relevant condition of the BOPRC consent; and
 - (b) A copy of the certificated Management Plan has been provided to TCC for information.

3 Detailed Site Investigation

- 3.1 A **Detailed Site Investigation** report (**DSI**) shall be prepared for each site identified in the **Preliminary Site Investigation (PSI)** and listed in Table A of Appendix 2 to these conditions. The purpose of the DSI is to confirm the level of contamination at the PSI sites and to identify, assess and recommend the measures required to manage or remediate contamination at those sites. The DSI shall be prepared in accordance with CLMG1 and CLMG5.
- 3.2 The DSI shall be submitted to TCC for information.

4 Contaminated Site Management Plan

- 4.1 A **Contaminated Site Management Plan (CSMP)** shall be prepared in accordance with CLMG1. The purpose of the CSMP is to set out proposed measures to manage potential risks to human health and the environment arising from the disturbance or reuse of contaminated soils within the Designation.
- 4.2 The CSMP shall:

- (a) Identify locations where contamination is known or expected to be present, based on the DSI;
- (b) Set out procedures (including health, safety and environmental management) for the disturbance, handling, reuse, stockpiling, transport and disposal of contaminated soils;
- (c) Set out any asbestos-specific measures, including an **Asbestos Removal Control Plan (ARCP)** if one has been identified as recommended in the DSI;
- (d) Set out procedures for managing unexpected contamination discovered during Project Works;
- (e) Identify soil testing, classification, disposal and tracking requirements for contaminated soils.
- (f) Where contaminated soil is to remain onsite, identify any containment, capping, encapsulation, survey, monitoring or ongoing management requirements; and
- (g) Where a DSI identifies contaminated soils requiring remediation, include a **Remedial Action Plan (RAP)** prepared in accordance with section 2.7 of CLMG1 and consistent with the conclusions and recommendations of the relevant DSI.

4.3 Any RAP required by Condition 7.2(g) shall:

- (a) Identify the remediation or management objectives;
- (b) Describe the remediation methodology, including rationale, with a clear and systematic outline plan of works; and
- (c) Set out contingency measures if the remediation methodology fails to achieve the remediation or management objectives.

4.4 The CSMP, including any RAP certified by BOPRC, shall be submitted to TCC for information.

4.5 The SVR certified by BOPRC shall be submitted to TCC for information.

5 Site Validation Report

5.1 Following completion of Project Works in an area to which a RAP applies, a **Site Validation Report (SVR)** shall be prepared. The purpose of the SVR is to validate that the remedial objectives and any relevant management requirements set out in the RAP have been achieved.

5.2 The SVR shall be prepared in accordance with the requirements of section 2.8 of CLMG1.

5.3 The SVR certified by BOPRC shall be submitted to TCC for information.

6 Contaminated Soil Remaining Onsite

6.1 If contaminated soils are to remain within the Project footprint a **Monitoring and Management Plan (MMP)** shall be prepared. The purpose of the MMP is to identify the location, extent and nature of contaminated soils remaining on site, and to set out any proposed monitoring, maintenance and management measures.

6.2 Where required, the MMP shall include:

- (a) Plans showing the location and extent of contaminated soil remaining on site;
- (b) A description of the nature of the contamination remaining on site;
- (c) Details of any containment, capping, encapsulation or other measures to prevent exposure to contaminated soil and off-site migration of contaminants;
- (d) Details of any monitoring and maintenance requirements for containment, capping or encapsulation measures including the criteria for determining when active monitoring and management may cease; and
- (e) Procedures to manage any future disturbance, excavation, handling, or reuse of contaminated soil remaining on site.

- 6.3 Any active monitoring, maintenance or management required by the MMP may cease upon written certification by a SQP that the contaminated soil and any associated containment, capping or encapsulation measures are stable and effective, and that no further active monitoring, maintenance or management is required.
- 6.4 The MMP certified by BOPRC shall be submitted to TCC for information.

APPENDIX 1 - DEFINITIONS

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

Abbreviation/term	Meaning/definition
ARCP	Asbestos Removal Control Plan
BOPRC	Bay of Plenty Regional Council, being the Chief Executive, or authorised delegate.
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.
CMSP	Contaminated Site Management Plan
Designation	Xxx in the Tauranga City Plan and xxx in the Western Bay of Plenty District Plan
DSI	Detailed Site Investigation
FTAA	Fast-track Approvals Act 2024
HAIL	Hazardous Activities and Industries List
MMP	Monitoring Maintenance Plan
PSI	Preliminary Site Investigation
Project	The construction, operation and maintenance of SH29/SH29A Tauriko West - Tupenga
Project Works	All works required for the construction of the Project, including enabling works.
RAP	Remedial Action Plan
RMA	Resource Management Act 1991
TCC	Tauranga City Council
SVR	Site Validation Report
Working Day	Has the same meaning as in Section 2 of the RMA.

APPENDIX 2 – SITES REQUIRING A DSI**Table A: Land parcels on-site requiring a DSI**

Property ID Code	HAIL Environmental ID Code	Site Address	Current Legal Description	Title(s)	HAIL Land Uses
E1	1	956 SH 29, Tauriko	Lot 4 DP 512150	788676	A17, I, E1, G3
D7	2	236 Kaweroa Drive	Lot 1002 DP 616167	1233031	E1
D5	3	9813L SH29	Lot 2 DPS 40591	SA40A/597	E1, I
O2	4	9 Nature Place	Lot 2 DPS 89978	SA71A/856	A18, G5
G5b	5	800 R SH 29 (also 7800 and 7844)	Lot 1 DP 310037	39555	A10, F7, I, E1
M3	6	6210L SH29	Lot 2 DP 24262	SA705/221	E1, I
F1	7	878D SH29	Lot 5 DP 512150	788677	E1, I
D3	8	1013 SH29	Lot 1 DPS 3645	SA1229/38	E1, I
G1	9	820 SH29	Lot 7 DP 512150	788679	A17, E1, I
P8	10	6A Pyes Pa Road	Lot 1 DPS 79061	SA63A/86	I, E1
P9	11	6B Pyes Pa Road	Lot 2 DPS 79061	SA63A/87	E1, I
G8b	12	776 SH29	Lot 1 DP 34421	SA27D/134	I, E1
H1a & H1b	13	768 SH29	Part Allot 87 Te Papa PSH	SA360/95	A10, E1, I
F9	14	R856 SH29	Lot 1 DPS 33435	SA31B/891	A10, E1, I
F7	15	880 SH29	Lot 3 DP 512150	788675	A10, E1, F4, I
G2	16	810 SH29	Part Lot 1 DPS 4793	SA1488/88	A10, E1, I
F5	17	894 SH29	Lot 1 DPS 82791	SA65D/74	A10, E1
P23	19	7 Pyes Pa Road	Lot 2 DPS 50055	SA42B/681	A10, A17, E2
F8	21	878A SH29	Lot 2 DP 512150	788674	A10, A17, E1, I
F6	22	888 SH29	Lot 2 DPS 87023	SA68D/533	A10
C2b	23	15C Redwood Lane	Lot 4 DP 463469	613417	A10, E1, G3, I
C6	24	4 Redwood Lane	Lot 2 DPS 70631	SA56B/112	A10, A17, G3
M4	25	610 SH29	Lot 5 DPS 47965	SA42D/234	A10, E1, I, G3
P27	27	1484 Cameron Road	Part Lot 1 DPS 84655	SA67A/706	A10, E1, I
O4	28	3B Marshall Avenue	Lot 2 DPS 56196	SA52B/455	A18, E1, I
	29	Parcel ID 6760294 (Adjacent to 20 Furniss Lane)	Parcel ID 6760294	60841	I

		Property not within designation but contaminants may migrate onto designation land.			
D2b	30	1027 SH29	Section 2 SO 475075	692429	A10, E1, I
F4	31	878B SH 29	Lot 1 DP 512150	788673	E1, I
G4a	33	808 SH 29	Allot 797 Parish of Te Papa	SA25B/1242	E1, I, G5
H10	34	1/579 Cambridge Road	Lot 2 DPS 53844	SA46D/899	E1, I
H9	35	2/579 Cambridge Road	Lot 3 DPS 53844	SA46D/900	E1, I
J6	39	47 Silkwood Way, Tauriko, Tauranga	Lot 1 DP 334849	142817	G3
O6	46	Barkers corner segregation strip	Part Allot 38 Te Papa PSH	4460394	A18, G5
P5	50	505 SH29A	Lot 2 DPS 91058	SA72A/437	E1, I
P4	51	507 SH29A	Lot 1 DPS 91058	SA72A/436	E1, I
B1	56	1095A SH29	Lot 9 DP 12853	4292989	A10, E1, I
B2 B6	57	4C Belk Road 4A Belk Road	Lot 8 DP 564534 Part Lot 6 DP 12853	1021476 SA4A/295	E, I A10, E1, I
B5	58	30 Belk Road	Lot 4 DP 457710	593887	E1, I
G6a & G6b	61	782 SH29	Lot 1 DPS 4898	1185092	F7, G5, E1
D4	62	999 SH29	Section 4 SO 475075	692428	E1, I
O3	63	25 Nature Place	Lot 1 DPS 89978	SA71A/855	A17, D5, E1, I
P25	64	1 Pyes Pa Road	Lot 1 DPS 22994	SA25A/284	A17, I, D5, E1, F3, F4
O5	65	2 Nature Place	Part Allot 851 Te Papa PSH	4328413	D5, E1, E2, G5, F4, I, G3
P24	66	5 Pyes Pa Road	Lot 1 DPS 50055	SA42B/680	E1, I
P6	67	2 Pyes Pa Road	Part Lot 1 DPS 1143	SA15C/862	E1, F4, I
	68	Parcel ID 4582726 (Adjacent to 1064 SH29, Omanawa) Property not within designation but land use extends into designation.	Parcel ID 4582726	SA1B/971	A17, E1, F8, G3, I