

## Takitimu North Link Stage 2 – BOPRC Proposed Resource Consent Conditions (December 2025)

The following consent conditions are recommended by the Bay of Plenty Regional Council. These are based on the conditions proffered by the applicant with additions underlined and in red and any deletions shown as ~~strikeout~~.

### RM25-0466-LC.01

A resource consent:

- Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R4 of the Regional Natural Resources Plan to undertake a discretionary activity being the disturbance of land and soil as a result of earthworks; and
- Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R10 of the Regional Natural Resources Plan to undertake a discretionary activity being the disturbance of land and soil as a result of vegetation clearance; and
- Under section 9(2)(a) of the Resource Management Act 1991 and Rule WL R9 of the Regional Natural Resources Plan to undertake a discretionary activity being to modify and destroy wetlands; and
- Under section 15(1)(b) of the Resource Management Act 1991 (RMA) and Rule DW R8 of the Regional Natural Resources Plan (RNRP) to undertake a discretionary activity being to discharge chemical dust suppressants to land during earthworks; and
- Under section 15(1) of the RMA and Rule AIR R16 of the RNRP to undertake a discretionary activity being to discharge dust to air during earthworks; and
- Under section 9(2)(a) of the RMA and Regulation 45(1) and (2) of the National Environmental Standards for Freshwater (NES-F) to undertake a discretionary activity being vegetation clearance and earthworks within and within 10 metres of a natural wetland associated with the construction of specified infrastructure; and
- Under section 9(2)(a) of the RMA and Regulation 45(3) of the NES-F to undertake a discretionary activity being earthworks or land disturbance outside a 10 metre, but within a 100 metre setback from a natural wetland for the purpose of constructing specified infrastructure;

subject to the following conditions:

#### 1. Purpose

1.1 The purpose of this resource consent is to authorise and set conditions for:

(a) earthworks; and

(b) vegetation clearance; and

(c) wetland modification and/or destruction; and

(d) discharge of dust to air during earthworks; and

(e) discharge of chemical dust suppressants during earthworks associated with the construction of the TNL Stage 2.

#### 2. Consent lapse and expiry

2.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire:

1. 20 years after commencement for earthworks, vegetation clearance, discharge of chemical dust suppressants and discharge of dust to air; and

2. 35 years after commencement for wetland modification and/or destruction.

(b) This consent shall lapse 20 years after the commencement of this consent.

**Commented [NZTA1]:** As set out in [Attachment 2](#) and [Attachment 5](#) of NZTA's response to comments dated 16 December 2025, NZTA opposes a series of the conditions proposed by BOPRC and DOC. NZTA opposes those proposed conditions for the following key reasons:

- Conditions proposed are unclear;
- Conditions proposed are duplications of existing proposed conditions;
- Conditions proposed are unnecessary and / or administrative and / or include an unnecessary level of detail;
- Conditions proposed do not provide sufficient flexibility and are contrary to NZTA's intention for the conditions to provide 'outcomes' based approach;
- Conditions proposed are not managing effects of the Project and / or are administrative;
- Conditions are overly onerous and / or unable to reasonably be complied with.

NZTA notes that no changes have been made to BOPRC's proposed conditions in this document, only comments in the 'comments panel' have been provided.

Note that conditions referred to in the commentary are those in the Proposed Resource Consent Conditions (December).

**Commented [NZTA2]:** Already covered in Conditions 1.1-1.9. Unnecessary duplication.

### 3. Location

3.1 The activities authorised by ~~the~~ **this** 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.~~

### 4. Pre-construction conditions – notification of works

4.1 At least five Working Days prior to the start of Construction Works, an on-site preconstruction meeting shall be held. The Project Representative(s) shall invite appropriate representative(s) from the contractor, BOPRC, Pirirākau and Ngāti Taka to attend the meeting.

(a) The meeting shall be located on the Project site unless otherwise agreed;

(b) The following information shall be made available at the pre-construction meeting:

1. Conditions of the Consents;
2. Details for the Project Representative(s), including their contact details (phone and email address);
3. Timeframes for planned key stages of Construction Works; and
4. Contact details of the site contractor and other key contractors.

### 5. Review of consent conditions

5.1 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.

### 6. Management Plans

6.1 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.

6.2 Conditions 6.3–7.3 apply to all plans defined as a 'Management Plan' in Appendix 1 (unless stated otherwise).

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

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

6.5 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.

6.6 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.~~

6.6 (a) The Consent Holder shall provide drafts of the Management Plans (as defined in Appendix 1) to Pirirākau and Ngāti Taka before the Management Plan(s) ~~is to be~~ **are** 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.

(b) 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~~ **where**

**Commented [NZTA3]: Oppose.** See response to 16.2 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA4]: Oppose.** See response to 16.2 in Attachment 2 response to comments from Bay of Plenty Regional Council.

appropriate. The relevant Management Plan(s) 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.

(c) The consent holder shall provide the Management Plan(s) and feedback summary required by condition 6.6(b) to the Bay of Plenty Regional Council as part of the written certification process for each of the Management Plans required by the conditions of this consent.

6.7 (a) The consent holder shall supply the management plans(s) required by the conditions of this consent to the Bay of Plenty Regional Council for written certification as specified in the relevant conditions of this consent.

(b) Certification must not be unreasonably withheld or delayed, and refusal may only be on the grounds that the plans fail to meet the requirements of the conditions of this consent, and the purpose and objectives of the management plan and/or relevant guidelines, standards or other statutory documents, related conditions. The Bay of Plenty Regional Council representative must provide reasons why that view is held at the time of refusal.

(c) Should the Bay of Plenty Regional Council refuse to certify the plan, the consent holder must submit a revised plan to the Bay of Plenty Regional Council. Clauses (a) to (b) shall apply for any resubmitted plan.

(d) Once certified the plan may be varied by the consent holder. The certification for any variation to the plan shall follow the process outlined in clause (a) to (c). The activities subject to the variation must not commence until the variation has been certified in writing by the Bay of Plenty Regional Council.

#### Deemed Certification of Management Plans

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 Management Plan condition(s) apply until the required Management Plan has been certified or otherwise provided to BOPRC for information, in accordance with the relevant condition:

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.

#### 7. Management Plan(s) for Enabling Works

7.1 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).

7.2 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).

7.3 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

**Commented [NZTA5]: Oppose.** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA6]: Oppose.** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA7]: Oppose.** See response to 16.1 in Attachment 2 response to comments from Bay of Plenty Regional Council and Condition 5.1.

complies with the relevant conditions.

#### ~~Use of Construction Equipment, Machinery and Other Plant~~

~~No fuel storage or machinery refuelling shall occur where fuel could enter a Waterbody in the event of a spillage:~~

~~The Consent Holder shall take all practicable measures to prevent fuels, lubricants, hazardous and/or dangerous materials, concrete or cement based substances from entering any Waterbody or surface water:~~

#### 8. Erosion and Sediment Control Plan

8.1 (a) ~~A minimum of 20 working days before the start of each stage of works authorised by this consent,~~ the Consent Holder shall ~~prepare~~ submit an **Erosion and Sediment Control Plan (ESCP) to the Bay of Plenty Regional Council for written certification by an environmental engineer.**

(b) The purpose of the ESCP is to:

1. Identify the ESC measures that will be implemented to minimise sediment discharge from the Project Works; and

2. Minimise the impact of sediment discharge on Watercourses and Natural Wetlands; and

~~3. Identify the type and locations of erosion and sediment controls and discharge location(s).~~

8.2 The ESCP shall include:

(a) Details of all principles, procedures and practices that will be implemented to minimise the potential for sediment discharge;

(b) Maintenance, monitoring and reporting requirements for ESC measures;

(c) Methodologies to monitor and quantify water quality subsequent to discharges of contaminants to water and stormwater to surface water;

(d) Management responses that will be undertaken in response to discharges of contaminants to water and stormwater to surface water that result in adverse sediment effects on water quality;

(e) Protocols for construction vehicles, entering and exiting the site including to ensure, as far as practicable, that there is no tracking of soil or sediments off-site.

(f) Identification and contact details of the personnel responsible for the operation and maintenance of all key ESC devices. These personnel shall be managed by a SQEP, and each shall have clearly defined roles and responsibilities to monitor compliance with ESC consent conditions. These personnel shall be available to meet with BOPRC monitoring personnel on a weekly basis, or as otherwise agreed in writing with BOPRC, to review any ESC issues.

(g) Procedures to manage stockpiled material so that stockpiles do not result in surface erosion or sedimentation damage to the stockpile site. The procedures shall include a requirement for stockpiled material that is to be stored for longer than 90 days to be located on a suitable site where it cannot be moved by stormwater and is stabilised.

(h) Procedures to ensure that vegetation, slash and other debris are not stockpiled in a floodplain ~~(as defined in the Regional Natural Resources Plan), (within three vertical metres of the top of streambank or within 30 horizontal metres of the top of streambanks) or within 30 metres of streams where no floodplain exists.~~

~~At least 20 Working Days before the start of Construction Works, the ESCP shall be submitted to BOPRC for certification that the ESCP satisfies the requirements of Conditions 9.1 and 9.2:~~

8.3 The Consent Holder shall implement the ESCP for the duration of Construction Works.

8.4 The ESCP shall be implemented in accordance with the BOPRC Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities".

#### 9. Implementation of Erosion and Sediment Control Devices and other Erosion and Sediment Control Measures

**Commented [NZTA8]:** Already covered in Conditions 8.1 and 8.2. Unnecessary duplication. See response to 16.27 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA9]:** Already covered in Condition 9.3. Unnecessary duplication.

**Commented [NZTA10]: Oppose.** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA11]:** Already covered in Condition 9.1(a). Unnecessary duplication.

**Commented [NZTA12]: Oppose.** Unnecessary.

9.1 (a) All ESC devices shall be installed prior to the commencement of each Stage of Work (including Enabling Works, where a SSESC has been prepared under Condition 11.1).

(b) The consent holder shall ensure that all silt fences, cleanwater diversion bunds/drains and a stabilised site entry are installed before works start to construct any sediment retention pond or decanting earth bund.

**Commented [NZTA13]:** Already covered in Condition 9, generally. Unnecessary duplication.

9.2 All ESC devices shall be designed and constructed in accordance with the ESCP, and relevant SSESC (if applicable), or any subsequent variation to the ESCP and/or SSESC that has received written certification from the Bay of Plenty Regional Council.

**Commented [NZTA14]:** Already covered in Condition 5.5. Unnecessary duplication.

9.2 The Consent Holder shall ensure that all clean water run-off from Stabilised surfaces including catchment areas above and around the site are diverted away from earthworks areas via a Stabilised diversion system where practicable.

9.3 The Consent Holder shall ensure that all ESC measures and devices and associated erosion protection devices are appropriately maintained in an effective capacity and good working order and remain in place until such time as the area managed by the respective ESC measure is fully Stabilised.

**Commented [NZTA15]:** Oppose. Unclear.

9.4 The Consent Holder shall ensure that any necessary maintenance of ESCs identified by inspection under Condition 9.3, or by BOPRC is completed as soon as is practicable.

9.5 The Consent Holder shall ensure that all exposed areas of earth resulting from Project Works authorised by these Consents are Stabilised against erosion, by vegetative ground cover or suitable alternative, as soon as practicable following the completion of each Stage of Work.

**Commented [NZTA16]:** Oppose. Unnecessary detail.

9.6 The Consent Holder shall ensure, as far as practicable, that all weather machinery access is maintained to ESC devices.

9.7 Within 30 Working Days of the installation of any sediment retention pond(s) and/or decanting earth bund(s) the Consent Holder shall submit to BOPRC the following:

(a) Written certification from a SQEP that the sediment retention device(s) have been installed as per the BOPRC 'Erosion and Sediment Control Guidelines for Land Disturbing Activities Guideline 2010/01'; and

(b) Detailed as-built plans of the sediment retention device(s) and outlet(s).

9.8 The Consent Holder shall ensure that any imported fill is classified as 'Clean fill' (see Advice Notes).

**Commented [NZTA17]:** Already covered in definitions. Unnecessary duplication.

9.9 No vegetation, soil or other debris shall be left in a position where the material could become mobile by stormwater during heavy rainfall.

**Commented [NZTA18]:** Already covered in Condition 9.2(g). Unnecessary duplication.

9.10 The consent holder shall ensure that there is no tracking of soil or sediments off site.

9.11 All runoff controls (such as diversion channels, bunds, contour drains) with slopes greater than 2% shall be protected from erosion using geotextile, aggregate or other suitable methods.

**Commented [NZTA19]:** Already covered in Condition 9.2(e). Unnecessary duplication.

9.12 The consent holder shall ensure that any sediment retention devices are constructed as quickly as possible within a period of dry weather and that any pond includes a stabilised inlet and outlet to prevent erosion at both the inlet and outlet of the pond.

**Commented [NZTA20]:** Oppose. Unnecessary detail.

**Commented [NZTA21]:** Oppose. Unnecessary detail.

## 10. Monitoring and Report for Erosion and Sediment Controls

10.1 The Consent Holder shall maintain a record of the date, time and details of any inspections and maintenance events, and remedial action taken on the ESC structures authorised by this Consent.

10.2 The Consent Holder shall ensure that ESC devices are inspected:

(a) At least weekly for the duration of this Consent; and

(b) If practicable and safe to do so, within 12 hours of each Trigger Event which is likely to impair the function or performance of the ESC devices.

10.3 The Consent Holder shall forward a copy of records required by Conditions 10.1 and 10.2 to BOPRC upon request.

10.4 The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by the inspections under the conditions of this consent or the Bay of Plenty Regional Council are completed within 24 hours or as soon as safely practicable.

**Commented [NZTA22]:** Already covered in Condition 10.4. Unnecessary duplication.

## 11. Site Specific Erosion and Sediment Control Plan

11.1 (a) A minimum of 20 working days before starting any soil disturbing activities or works in a Watercourse, including within any wetland, in any given area of the Designation Boundary (which could be the whole Designation), the Consent Holder shall prepare a Site Specific Erosion and Sediment Control Plan (SSESCP) for the works in that area and submit the SSESCP to the Bay of Plenty Regional Council or written certification by an environmental engineer. Certification is for the purpose of ensuring compliance with the conditions of this consent and the erosion and compliance with the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'. Works shall not commence until written certification of the SSESCP has been received.

**Commented [NZTA23]:** Oppose. Unnecessary.

**Commented [NZTA24]:** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA25]:** Already covered in Conditions 9.5 and 12.1. Unnecessary duplication.

**Commented [NZTA26]:** Already covered in Condition 6.1. Unnecessary duplication.

(b) The purpose of the SSESCP is to set out measures to be implemented to manage and reduce, as far as practicable:

1. Erosion and the discharge of sediment beyond the Designation Boundary; and
2. Adverse effects on streams, including minimising the potential for sediment runoff and discharges to water from Construction Works.

11.2 SSESCPs shall include:

- (a) Specific ESC measures (including location, dimensions, capacity);
- (b) Supporting calculations and design drawings;
- (c) Where relevant, locations where in-stream Construction Works are to be undertaken;
- (d) Drawings indicating catchment boundaries and contour information;
- (e) Drawings indicating the location(s) of Stabilised entranceway(s);
- (f) Locations for stockpiled material;
- (g) Descriptions and drawings confirming the location, staging and sequencing of works for that specific SSESCP, including installation of ESC measures and Stabilisation of disturbed areas; and
- (h) Construction methodologies (including timing and duration) for vegetation removal, bridges, culverts, streamworks within the area to which the SSESCP applies.

(i) Measures and standards to be put in place to completely isolate aquatic systems from any areas where concrete is poured.

(j) Measures / details to manage concrete wash water during Project Works.

**Commented [NZTA27]:** Already covered in Condition 8. Unnecessary duplication.

At least 10 Working Days before the start of soil disturbance in a relevant Project Works area, the SSESCP shall be submitted to BOPRC for certification that the SSESCP satisfies the requirements of Conditions 12.1 and 12.2.

11.3 The Consent Holder shall implement the SSESCP for the duration of soil disturbing activities in the relevant Project Works area.

## 12. Construction Management Plan

12.1 (a) The Consent Holder shall prepare a **Construction Management Plan (CMP)**. The Consent Holder shall submit the CMP to the Bay of Plenty Regional Council for written certification by an environmental engineer a minimum of 40 working days prior to works commencing. Written certification is for the purpose of certifying the CMP and ensuring the conditions of this consent are met. The purpose of the CMP is to provide information relating to construction management, and to manage certain construction activities and their effects.

**Commented [NZTA28]:** See response to 16.11 in Attachment 2 - response to comments from Bay of Plenty Regional Council.

**Commented [NZTA29]:** Already covered in Condition 13.3. Unnecessary duplication.

**Commented [NZTA30]:** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA31]:** Already covered in Condition 6.1. Unnecessary duplication.

(b) All works shall be undertaken in accordance with the most recently certified version of the CMP.

12.2 The CMP shall include:

- (a) The roles, responsibilities and contact details of key staff and contractors, including the Project Manager and the Project Representative(s).
- (b) A description of the training and education programme that will be implemented to ensure compliance with conditions;
- (c) Location and details of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas, contractor car parking, security and construction lighting;
- (d) Measures to delineate site boundaries, maintain site security, prevent unauthorised access, ensure the safe and practical operation of adjacent sites;
- (e) Proposed methods and measures to avoid, where practicable, and otherwise manage adverse effects on public utility infrastructure;
- (f) How provision is to be made for a cultural induction programme of contractor's staff and subcontractors by Pirirākau and Ngāti Taka. The frequency and content of these inductions are to be agreed between the Consent Holder and Pirirākau and Ngāti Taka;
- (g) Methods for providing for the health and safety of the general public;
- (h) Details of emergency contacts who have authority to authorise immediate response actions;
- (i) Methods for recording and responding to queries and complaints;
- (j) The anticipated construction timeframes, including information on the likely date for start of Construction Works;
- (k) The proposed hours of Construction Works;
- (l) Methods to communicate key Construction Works milestones and proposed hours of construction with owners and occupiers of properties and stakeholders who will potentially be affected by the Project (including organisations, community facilities, businesses and directly affected landowners and occupiers);
- (m) The proposed staging and sequence of the Construction Works and how the CMP will be updated if the staging and sequencing changes; and
- (n) Maintenance, monitoring and reporting procedures;
- (o) Total exposed area for each stage of works;
- (p) Measures to manage the use of machinery fuel/oil and address potential effects on waterways;
- (q) Measures to manage construction-phase waste materials and contaminants and potential effects on waterways.

**Commented [NZTA32]:** Already covered in Conditions 9 and 12. Unnecessary duplication.

**Commented [NZTA33]:** Oppose. Unnecessary detail.

**Commented [NZTA34]:** Already covered in Conditions 47.1(a) and 8.2. Unnecessary duplication.

~~At least 40 Working Days before the start of Construction Works, the CMP shall be submitted to BOPRC for certification that the CMP satisfies the requirements of Condition 13.2:~~

12.3 ~~(a)~~ The Consent Holder shall implement the CMP for the duration of Construction Works.

~~(b) The Consent Holder shall review and update, if required, the CMP on an annual basis for the duration of Construction Works, and submit any updates to the Bay of Plenty Regional Council for written certification by an environmental engineer, to ensure compliance with the conditions of this consent.~~

**Commented [NZTA35]:** Already covered in Condition 5.5. Unnecessary duplication.

### 13. Biosecurity Management Plan

13.1 ~~20 working days prior to Project Works commencing, the Consent Holder shall prepare submit a Biosecurity Management Plan (BMP) to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional.~~ The purpose of the BMP is to manage the risk of spread or introduction of weeds, diseases, pest plants and invasive species within the Designation Boundary.

**Commented [NZTA36]:** Already covered in Conditions 14.2 and 5.3. Unnecessary duplication.

(a) The BMP shall include:

- 1. Disease management protocols including to manage the risk of spreading kauri die-back disease and myrtle rust;
- 2. Pest plant management protocols to prevent the introduction or spread of pest plants;

3. Management protocols to prevent the spread of invasive freshwater and marine species (including protocols for machinery and stand down periods); and

4. Measures to ensure compliance with the Bionet A16 (revised 2020) "Keep it clean" guidelines, and the MPI Check, Clean Dry and gold clam biosecurity guidelines, as far as practicable;

~~(b) Works must not commence until written certification of the BMP has been received from the Bay of Plenty Regional Council.~~

~~(c) All works must be undertaken in accordance with the most recently certified version of the BMP for the duration of this consent.~~

~~(d) The consent holder shall review, and update if required, the BMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional for the duration of this consent.~~

~~b. At least 20 Working Days before the start of Project Works, the BMP shall be submitted to BOPRC for certification that the BMP satisfies the requirements of Condition 14.1.~~

~~c. The Consent Holder shall implement the BMP for the duration of Project Works.~~

#### 14. Ecological Management Plan

14.1 The Consent Holder shall prepare an **Ecological Management Plan (EMP)**. The purpose of the EMP is to set out the specific management procedures, monitoring, and measures to avoid, minimise, remedy, offset and compensate for impacts from Project Works on ecological values, with the intent of achieving no net loss including by achieving the standards in Conditions 29.1 to 29.5 (inclusive) 28.1 – 28.5 and 31.3 to 31.12 (inclusive) 30.3 – 30.7.

(a) The EMP shall:

1. Detail proposed timeframes for riparian planting and restoration works.

2. Provide for the remediation and mitigation in accordance with the mitigation areas and ratios outlined in BOPRC Consent Appendix RM25-0466-XX and the conditions of this consent.

3. Detail the indigenous species to be planted in each locality in order to comply with Conditions 29.1 28.1 and 29.4 28.4.

4. Provide opportunities for lizard habitat creation.

5. Specify the level of detail to be contained in the monitoring and maintenance reports prepared under Condition 29.5 28.5.

6. For planting required as a result of permanent stream diversion, require the planting to be completed within 12 months of the diversion.

7. Include a vegetation delineation and clearance protocol to be implemented during Construction Works.

8. Require, on completion of all planting required under the EMP, the Consent Holder to provide BOPRC with a statement, signed by a suitably qualified and experienced ecologist SQEP, that the planting and restoration works have been undertaken in accordance with the certified EMP.

9. Include an annual planting monitoring protocol required to comply with Condition 29.4 28.4.

10. Include an accidental discovery and management protocol for threatened or at-risk species not otherwise identified and managed within subplans to the EMP in the event they are discovered during Project Works.

(a) The EMP shall include the following subplans:

1. Marine Monitoring Plan;

**Commented [NZTA37]:** Already covered in Condition 14.1(a)4. Unnecessary duplication.

**Commented [NZTA38]:** Already covered in Condition 6.1. Unnecessary duplication.

**Commented [NZTA39]:** Oppose as above.

**Commented [NZTA40]:** Already covered in Condition 5.5. Unnecessary duplication.

**Commented [NZTA41]:** Oppose. Unnecessary.

**Commented [NZTA42]:** Oppose. This does not provide for flexibility. Also see Conditions 30.1 – 30.4

**Commented [NZTA43]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

2. Wetland Management Plan;
3. Aquatic Fauna Management and Monitoring Plan;
4. Avifauna Management Plan;
5. Stream Management and Monitoring Plan; and
6. Bat Management Plan if required; ~~and under Condition 26.2-~~

7. Lizard Management Plan.

(b) The EMP subplans may be prepared at different times.

14.2 (a) At least 20 Working Days before the start of Project Works, the EMP shall be submitted to BOPRC for written certification by a suitably qualified and experienced ecologist that the EMP is in accordance with the application, the Ecological Effects Assessment and the conditions of this consent, satisfies the requirements of Condition 15.1(a):

(b) Works shall not commence until written certification of the EMP has been received.

14.3 The certified EMP shall be implemented for the duration of this consent. ~~Project Works.~~

14.4 The consent holder shall review and update if required the EMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.

15. Construction Air Quality Management Plan

15.1 Forty (40) working days prior to commencing Project Works, the Consent Holder shall ~~prepare~~ submit a **Construction Air Quality Management Plan (CAQMP)** to the Bay of Plenty Regional Council for written certification by an environmental engineer. Certification is for ensuring compliance with the conditions of this consent and the Bay of Plenty 'Erosion and Sediment Control Guidelines 2010/01'. The purpose of the CAQMP is to facilitate the avoidance, remediation and mitigation of potential construction air quality impacts associated with Construction Works. The CAQMP shall include:

(a) Sources of dust, odour and hazardous air pollutants that may be created during Construction Works;

(b) A map and list of all sensitive locations along the alignment;

(c) A Dust Management Plan for each stage of works;

(d) Methods and procedures to manage dust as a result of Construction Works, including triggers for the implementation of such measures, that may include:

1. Chemical stabilisation or suppression;
2. Revegetation of exposed surfaces;
3. The use of water (including water availability and water storage locations to be provided for the duration of Construction Works);
4. The covering or otherwise enclosing of materials;
5. Approaches to the location and management of stockpiles;
6. Methods and timeframes to Stabilise earthworks; and
7. Measures to manage dust generating works in dry and windy conditions.

(e) Procedures for assessing, mitigating and remedying the effects of any odorous material that is discovered as a result of Construction Works, including methods to:

1. Remove the material to reduce the exposure of odorous sources; and

**Commented [NZTA44]:** See response to 16.15 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA45]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA46]:** See response 16.8 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA47]:** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA48]:** Already covered in Condition 5.5. Unnecessary duplication.

**Commented [NZTA49]:** Oppose. Unnecessary.

**Commented [NZTA50]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA51]:** Oppose. Unnecessary duplication and unnecessary management plan.

2. Mask the odour.

- (f) Identification of roles and positions of responsibility (including a community engagement and liaison team to consult with potentially affected property owners);
- (g) Visual dust and meteorological monitoring and reporting procedures;
- (h) Plan review procedures;
- (i) Contact details of 'on-call' staff who can operate water application systems for dust suppression outside of normal working hours if required; and
- (j) A complaint recording and response system, supported by appropriate mitigation measures, as necessary.

~~At least 20 Working Days before the start of Construction Works, the CAQMP shall be submitted to BOPRC for certification that the CAQMP satisfies the requirements of Condition 16.1.~~

15.2 The Consent Holder shall implement the CAQMP for the duration of Construction Works.

15.3 ~~The consent holder shall review and update if required the CAQMP on an annual basis for the duration of Construction Works. Any updates must be provided to the Bay of Plenty Regional Council for written certification by an environmental engineer prior to implementation.~~

**Commented [NZTA52]:** Already covered in Condition 5.5. Unnecessary duplication.

## 16. Dust Control

16.1 (a) ~~The Consent Holder shall ensure that, at all times the soil moisture of exposed areas is sufficient to prevent dust from being offensive or objectionable beyond the boundary of the work site.~~

(b) ~~In lieu of (a) the consent holder may use chemical dust suppressants in accordance with the Bay of Plenty Regional Council certified Chemical Treatment Management Plan referenced in condition 16.2 of this consent.~~

**Commented [NZTA53]:** Oppose, unnecessary detail.

(c) ~~If wind conditions make dust control impracticable, the Consent Holder shall ensure that any machinery generating airborne dust stops operating until effective dust control is reestablished.~~

**Commented [NZTA54]:** Already covered in Condition 16.1(c)7. Unnecessary duplication.

16.2(a) ~~Prior to using chemical dust suppressants on site the consent holder shall submit a Chemical Treatment Management Plan (CTMP) to the Bay of Plenty Regional Council for written certification by an Environmental Engineer. The CTMP must be prepared by a suitably qualified and experienced person and include the following:~~

~~1. The dust suppressant chemical to be used on site.~~

~~2. The methodology for applying the chemical dust suppressant to ensure use is in accordance with the manufacturer's specifications.~~

~~3. A plan showing the area where chemical dust suppressants are to be used, the location of all waterbodies and drains, and the setback of the application area from waterbodies and drains (see condition 66).~~

~~4. Storage location(s) for chemical dust suppressants (see condition 66).~~

~~5. A Spill Management Plan, including details on equipment to be kept on site to deal with any spills (see Condition 16.5).~~

(b) ~~Certification shall be for the purpose for certifying the use of chemical dust suppressants, ensuring the conditions of this consent are met and that the methodology for application and spill management protocols are in accordance with best practice.~~

(c) ~~The consent holder shall ensure that chemical dust suppressants are used in accordance with the certified CTMP required by condition 16.2(a).~~

(d) For the duration of this consent, the CTMP must be updated each year that chemical dust suppressants are used.

(e) Any updated CTMP must be submitted to the Bay of Plenty Regional Council for written certification by an Environmental Engineer in accordance with clause (a) and (b). Changes shall not be implemented until written certification is received.

16.3 (a) The consent holder shall ensure that no chemical dust suppressants are discharged within 10 metres of any waterbodies or drains containing water.

(b) The consent holder shall ensure that no chemical dust suppressants are stored within 30 metres of any waterbodies or drains containing water.

(c) The product label requirements for the chemical dust suppressant prevail if they require greater setbacks than those specified in (a) and (b).

16.4 (a) The consent holder shall ensure that the Spill Management Plan required by condition 16.2 is kept on-site for the duration of works authorised by this consent.

(b) The consent holder shall maintain a written record of any accidental spills, including the date, location, waterways (if applicable), volume of spill and actions taken to recover the product.

(c) Spills directly to any waterbody or drain must be reported to the Bay of Plenty Regional Council Pollution Hotline (0800 884 883) as soon as practicable and within 12 hours.

(d) The spill record shall be kept on site and made available to the Bay of Plenty Regional Council upon request.

#### Chemical Treatment Management Plan

~~The Consent Holder shall prepare a **Chemical Treatment Management Plan (CTMP)**. The purpose of the CTMP is to determine whether chemical treatment will enhance the efficiency of sediment retention ponds and decanting earth bunds, and, if so, set out the details of a chemical treatment management system to achieve that outcome.~~

~~The CTMP shall include:~~

- ~~(a) — The protocols and procedures for bench testing to determine which ESC measures will benefit from the use of flocculants, including the effectiveness, suitability and optimal rates of application of the specific flocculant proposed to be applied (including assumptions);~~
- ~~(b) — If the analysis in (a) indicates that chemical treatment will enhance the efficiency of sediment retention ponds and / or decanting earth bunds:
  - ~~1. — The chemical flocculant(s) to be used;~~
  - ~~2. — Details on the types of ESC devices to be treated;~~
  - ~~3. — Specific design details including structures, methodology and timing of application of the flocculation system; calculations and dilution, including details of optimum dosage (and assumptions), and how chemical dosage has been adjusted to the minimum level necessary to achieve the most effective flocculent in terms of sediment removal;~~
  - ~~4. — Chemical storage location(s) and methods for secure storage of chemical flocculants;~~
  - ~~5. — Monitoring, maintenance and contingency management, including a record system and pH limits for discharges;~~
  - ~~6. — A spill contingency plan, which will include:
    - ~~i. — A requirement to report spills directly to any Waterbody or~~~~~~

**Commented [NZTA55]:** Already covered in Conditions 16 and 17. Unnecessary duplication.

**Commented [NZTA56]:** Already covered in Conditions 16 and 17. Unnecessary duplication.

**Commented [NZTA57]:** Already covered in Condition 17.2(b)6. Unnecessary duplication.

**Commented [NZTA58]:** Oppose.

- ~~drain to BOPRC as soon as is practicable; and~~
- ~~ii. A record of any accidental spills (including date, location, Waterbody (if applicable), volume of spills and actions taken to recover spilled product) that the Consent Holder will update in the event that spills occur;~~
  - ~~iii. A list of equipment to be kept on site to deal with any spills; and~~
  - ~~iv. The contact details of the person responsible for the operation and maintenance of the chemical treatment system.~~

~~At least 20 Working Days before the start of Construction Works, the CTMP shall be submitted to BOPRC for certification that the CTMP satisfies the requirements of Condition 17.2.~~

~~The Consent Holder shall implement the CTMP for the duration of Construction Works.~~

#### 17. Pre and Post-Excavation Survey

17.1 At least 40 Working Days prior to starting excavation activities authorised by the Consent, the Consent Holder shall:

(a) Engage with the owner(s) of each property adjacent to the Designation Boundary that has a dwelling:

1. Within 50 metres of the Designation Boundary where only cut and fill earthworks are proposed; and
2. Within 100 metres of the Designation Boundary where piling activities are proposed.

(b) Offer to undertake a pre-excavation building survey, and:

1. If the offer in (b) is accepted, conduct a pre-excavation building survey. The survey shall be undertaken by a SQEP and shall document the condition of the building and structures following best practice, using written descriptions, photographs and measurements as required;
2. Where a pre-excavation building survey has been undertaken in accordance with 1. above, offer to undertake post-excavation building survey/s following completion of the excavation;
3. If the offer in 2. is accepted, conduct a post-excavation building survey. The survey shall be undertaken by a SQEP as soon as practicable and shall identify any damage (being detrimental cosmetic or structural damage to the building) that has occurred as a result of the excavation (as evidenced by a comparison between the pre and post-construction surveys);
4. Where damage to a building is identified as a result of excavation in accordance with 3., within 10 Working Days of completion of the excavation, offer to the owners of the building to fix that damage; and
5. If the offer is accepted, fix the damage. The Consent Holder shall fix the damage without undue delay following acceptance of the offer.

17.2 Copies of the relevant pre-excavation building survey reports shall be provided to the property owner(s) within 10 Working Days of each inspection being undertaken. A copy of the post-excavation building survey report shall be provided to the property owner(s) within 30 Working Days of the date of the post-excavation building survey.

17.3 If an offer made under Condition ~~17.1~~ 17.1(b) is not responded to within four weeks of the offer being made, the offer will be deemed to have not been accepted (unless the Consent Holder agrees to a longer time period in the particular circumstance). Any offer must be accepted within 12 weeks of the offer being made, otherwise the offer will be deemed to have not been accepted.

## 18. Earthworks – General

18.1 The Consent Holder shall, as far as practicable, ensure that earthworks are undertaken in a manner which ensures that the stability of the land within the Designation Boundary and on properties adjoining the Designation Boundary is not adversely affected.

18.2 To achieve Condition ~~18.1~~ 19-1, the Consent Holder shall prepare designs and construction methodologies for earthworks that are to be carried out within 50 metres of a property adjoining the Designation, which shall be reviewed and approved by a Chartered Professional Geotechnical Engineer.

18.3 Construction observations by a SQEP (Chartered Professional Geotechnical Engineer or nominee) shall be completed at appropriate intervals throughout Construction Works, as identified by a SQEP (Chartered Professional Geotechnical Engineer or nominee), to verify that the design and construction methodologies pursuant to Condition ~~18.2~~ 19-2 are being implemented.

~~18.4 The consent holder shall provide the geotechnical approval required by condition 18.2 to the Bay of Plenty Regional Council prior to works commencing within 50 metres of an adjoining property.~~

~~18.5 All works (earthworks, vegetation clearance, wetland destruction and/or modification) under this consent shall be carried out in accordance with the following documents and plans:~~

~~(a) The Substantive Application; and~~

~~(b) The certified management plans required by the conditions of this consent; and~~

~~(c) RM25-0466 Consent Plans; or~~

~~(d) Any subsequent document and/or plan that has received written certification from the Bay of Plenty Regional Council.~~

~~18.6 The consent holder shall ensure that all earthwork operations (including stabilisation of earthwork sites to effectively prevent erosion) are completed by March 2046.~~

18.7 The consent holder shall ensure that all cleanfill material is deposited offsite at:

(a) A consented cleanfill disposal site; and/or

(b) A site that has been certified (in writing) by a Bay of Plenty Regional Council compliance officer. Certification shall be limited to ensuring the site meets permitted activity rule in the Regional Natural Resources Plan and the 'Erosion and Sediment Control Guidelines for Land Disturbing Activities 2010/01'.

18.8 The consent holder shall record the volumes and locations of cleanfill material moved offsite. Such records shall be made available within three working days of a request from the Bay of Plenty Regional Council.

18.9 Before the start of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site works, and maintain it throughout the period of the works. The sign shall clearly display the following information:

(a) The consent holder;

(b) The main site contractor;

(c) A 24 hour contact telephone number for the consent holder or appointed agent;

(d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance resulting from the exercise of this consent.

Commented [NZTA59]: Oppose. Unnecessary.

Commented [NZTA60]: Oppose. This does not provide for flexibility.

Commented [NZTA61]: Already covered in Condition 1.1. Unnecessary duplication.

Commented [NZTA62]: Oppose. Unnecessary.

## 19. Site Management

19.1 All exposed areas of the site shall be fully stabilised prior to ~~31 May~~ 30 April of any year during the exercise of this Consent, and no earthworks shall be undertaken during the winter earthworks period, being between 1 May and 15 September (inclusive), unless a detailed winter earthworks management plan (WEMP) works plan for the winter earthworks is prepared and certified in accordance with Condition ~~19.1~~ 20.2.

(a) 20 Working Days prior to undertaking any earthworks within the winter earthworks period (1 May to 15 September), the Consent Holder shall submit to BOPRC for written certification by an environmental engineer a detailed works plan for the winter earthworks. The works plan shall indicate the works to be undertaken and include a detailed winter earthworks management plan (WEMP) for the winter earthworks. SSESCP (as prepared under Condition 12.1) in accordance with the design standards as set out for winter earthworks in BOPRC 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'.

(b) The WEMP must include the following:

1. the works to be undertaken over the winter earthworks period.

2. a Chemical Treatment Management Plan (CTMP) (see RM25-0466-DC.01).

3. details of the erosion and sediment control measures required to ensure onsite storage equivalent to a 1% AEP (100 year storm event) or an alternative methodology is provided (see RM25-0466-DC.01).

4. an updated Erosion and Sediment Control Plan in accordance with the design standards for winter earthworks in the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1' or its successor.

(c) Certification is for the purpose of ensuring compliance with the conditions of this consent and the 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'.

(d) Winter earthworks must not commence until written certification of the WEMP has been received.

(e) Winter earthworks shall be undertaken in accordance with the conditions of this consent and the certified WEMP.

(f) In the event of any non-compliance with the conditions of this consent and/or the WEMP, Regional Council staff may direct winter earthworks to cease by written notice and stabilisation measures shall be undertaken by the consent holder immediately.

## 20. Baseline Marine Monitoring

20.1 Baseline marine environment monitoring shall be conducted in Te Puna Estuary and Mangawhai Bay Estuary **in the summer months** within 12 months prior to Construction Works that discharge to the Te Puna Estuary and Mangawhai Bay Estuary.

~~At the same time of year that the baseline monitoring in Condition 21.1 is carried out, marine environment monitoring shall take place on an annual basis during Construction Works that discharge to the Te Puna Estuary and Mangawhai Bay Estuary, and for two years after completion of Construction Works that discharge to the Te Puna Estuary and Mangawhai Bay Estuary. All monitoring shall be conducted in accordance with the Marine Monitoring Plan.~~

## 21. Marine Monitoring Plan

21.1 The Consent Holder shall prepare a **Marine Monitoring Plan (MMP)**. The purpose of the MMP is to characterise the marine environment and to understand and manage impacts of cumulative discharges or an accidental sediment discharge event from the Project Works on the receiving marine environment.

(a) The MMP shall include the following at Te Puna Estuary and Mangawhai Bay Estuary:

**Commented [NZTA63]:** Already covered in Condition 20.2. Unnecessary duplication.

**Commented [NZTA64]:** Oppose. Unnecessary detail.

**Commented [NZTA65]:** Oppose. Unnecessary.

**Commented [NZTA66]:** Already covered in Conditions 20.1 and 20.2. Unnecessary duplication.

**Commented [NZTA67]:** Oppose, unnecessary

1. Details of the baseline and ongoing annual marine environment monitoring ~~under Condition 21~~, including:

- i. Sampling procedures for replicate benthic infaunal and epifaunal invertebrates which shall include a minimum of 10 samples collected for a 50m x 30m sampling grid;
- ii. Sediment contaminants from road runoff (baseline and post-Construction Works only) ~~(copper, lead, zinc, high molecular weight polycyclic aromatic hydrocarbons) and characteristics and (grain size, redox discontinuity layer). Composite samples are required for these parameters;~~
- iii. ~~Depth of oxygenated sediment;~~
- iv. Marine flora including seagrass;
- v. Marine monitoring locations including control sites;

~~Results of the baseline annual marine benthic habitat monitoring required under Condition 21 (after collection);~~

2. Triggers for additional monitoring in the event of an **cumulative** accidental sediment discharge event.

3. **Details on** Reporting requirements and frequency of reporting to BOPRC.

4. ~~Measures and monitoring~~ **Recommended mitigation and/or response to** that shall be required in the event of an **to** accidental sediment discharge events in the Te Puna Estuary and Mangawhai Bay Estuary.

(b) ~~At least 20 Working Days before starting Construction Works that could result in an accidental sediment discharge event on the receiving marine environment, the MMP shall be submitted to BOPRC for certification that it satisfies the requirements of Condition 22.1(a).~~

- (b) At least eighteen months prior to starting Stage 2 works, the MMP shall be submitted to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional that the MMP satisfies the requirements of condition 21.1 of this consent.
- (c) The certified MMP shall be implemented for the duration of this Consent.
- (d) No works shall commence until written certification of the MMP has been received from the Bay of Plenty Regional Council.
- (e) The Consent Holder shall review and if required update the MMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a SQEP prior to implementation.

## 22. Wetland Management Plan

22.1 The Consent Holder shall prepare a **Wetland Management Plan (WMP)**. ~~The WMP shall be prepared by a suitably qualified and experienced ecologist.~~ The purpose of the WMP is to **remedy, mitigate, compensate and/or offset any effects** ~~manage any effects~~ of the Project on Natural Wetlands ~~(including through offset and compensation for Wetlands)~~, and on habitat values for avifauna associated with Natural Wetlands.

(a) The WMP shall include:

1. Identification of the Natural Wetland(s) that will be modified, fragmented, partially lost, or wholly lost as a result of Project Works, and the timing and extent of that loss including with respect to area and values.
2. Details of the restoration planting, wetland creation, **restoration** and habitat rehabilitation to be undertaken to protect and restore the indigenous biodiversity values of the remaining areas

**Commented [NZTA68]:** Oppose. See response 16.30 in Attachment 2 response to comment from Bay of Plenty Regional Council.

**Commented [NZTA69]:** Oppose. Already covered in Condition 22.1(a). Unnecessary duplication.

**Commented [NZTA70]:** See response to 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA71]:** Already covered in Condition 22. Unnecessary duplication.

**Commented [NZTA72]:** Already covered in Condition 22. Unnecessary duplication.

of Natural Wetland(s) identified in 1. where they have been modified, fragmented and/or partially lost.

3. Details of the wetland creation, restoration, and protection of Natural Wetland / Wetland avifauna habitats to be undertaken to restore the Natural Wetland avifauna habitat values lost as a result of impacts on Natural Wetlands within the Ōmokoroa and / or Merrin Wetlands.

**Commented [NZTA73]:** Already covered in Condition 22. Unnecessary duplication.

4. Details of the restoration planting, wetland creation, restoration and habitat rehabilitation to be undertaken to offset / compensate for loss of wetland extent and associated restore the indigenous biodiversity values as of lost extents of the Natural Wetland(s) identified in clause 1.

**Commented [NZTA74]:** Oppose, as above.

5. Methods for wetland creation and restoration required in accordance with Conditions 31.2 30-2 and 31.4 30-4, including the requirements in regard to:

- i. Wetland hydrology (including maintenance of hydrological structures, if needed for Wetland creation);
- ii. Earthworks, including ESCPs;
- iii. Sediment characteristics;
- iv. Management of road-edge effects to prevent disturbance;
- v. Timing of works (schedule of work);
- vi. Fencing and long-term protection requirements;
- vii. Riparian buffer requirements (including a minimum requirement of five metres of non-wetland riparian buffer planting surrounding constructed Wetlands);
- viii. Species to be planted in each planting zone and vegetation tier within Natural Wetland / Wetland and riparian zone (planting plan);
- ix. The performance standards in Conditions 29.4 28-4 and 29.5 28-5.
- x. Maintenance of planting;
- xi. Maintenance of stock exclusion;
- xii. Pest animal control; and
- xiii. Pest plant control.

**Commented [NZTA75]:** Already covered in Conditions 28.4 and 23.1(a).6. Unnecessary duplication. See response 16.18 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA76]:** Accept.

~~2. ——— Details of native wetland plant species in different planting zones within all vegetation tiers in each zone (in compliance with Conditions 28.4 and 28.5) that shall be achieved before the expiry of the maintenance period and performance standards linked to specific timeframes. Performance standards shall:~~

- ~~i. ——— Include a full array of indigenous plant species appropriate for the locality, and comprising species represented in proportions and cover expected for Wetland types found within the Tauranga Ecological District;~~
- ~~ii. ——— Include a monitoring programme to demonstrate the outcome of Wetland creation and compliance with Conditions 28.4; 28.5; 30.2 and 30.4. The Wetland creation and maintenance work undertaken as described in the WMP shall be overseen by a SQEP; and~~
- ~~iii. ——— Require, on completion of the creation and restoration work described in the WMP and Conditions 28.1 – 28.4, 30.2, 30.4, 30.5, the Consent Holder to provide BOPRC with a statement, signed by a SQEP, that the creation and restoration works have been undertaken in accordance with the certified WMP.~~

Details of the monitoring programme to attain the ecological outcomes in Conditions 30.2 and 30.4, including management requirements if monitoring demonstrates the requirements have not been met.

6. Monitoring programme to demonstrate the ecological outcomes of Wetland creation, restoration and enhancement and compliance with the conditions of this consent and include the management and maintenance requirements if monitoring demonstrates the requirements have not been met. The Wetland creation, restoration and enhancement and maintenance work undertaken as described in the WMP shall be overseen by a suitably qualified and experienced professional.
- (b) At least 20 40 Working Days before prior to starting Project Works, the WMP shall be submitted to BOPRC for written certification by a suitably qualified and experienced professional that the WMP satisfies the requirements of Condition 223.1(a).
- (c) The certified WMP shall be implemented for the duration of the works described in the WMP.
- (d) The consent holders shall review and update the WMP on an annual basis for the duration of this consent.  
(e) Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.

**Commented [NZTA77]:** Already covered in Condition 23(a)6.ii. Unnecessary duplication. See response 16.5 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA78]:** See response in 16.11 and 16.12 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA79]:** Already covered in Condition 5.5. Unnecessary duplication.

### 23. Aquatic Fauna Management Plan

23.1 The Consent Holder shall prepare an **Aquatic Fauna Management and Monitoring Plan (AFMMP)**. The AFMMP shall be prepared by a suitably qualified and experienced freshwater ecologist. The purpose of the AFMMP is to manage and minimise effects on native freshwater fish and kākahi (freshwater mussels) prior to and during any required streamworks or works in a Natural Wetland which provides habitat for native freshwater fish and / or kākahi.

**Commented [NZTA80]:** See response 16.11 and 16.25 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(a) The AFMMP shall include:

1. Methods for directing native fish and kākahi salvage and relocation from any areas of flowing or standing water, including site isolation procedure(s) and any site-specific requirements as appropriate;
2. Timing of fish / kākahi salvage and relocation, including measures to take into account migration or spawning periods; and
3. Procedures for the humane management and disposal of invasive exotic species; and
4. Release sites for each impacted Watercourse / reach; and
5. Reporting requirements and timeframes for when reports shall be provided to the Bay of Plenty Regional Council; and
6. Accidental harm and mortality minimisation protocols.

**Commented [NZTA81]:** Oppose. Unnecessary detail.

**Commented [NZTA82]:** Oppose. Unnecessary.

(b) At least 20 Working Days before starting streamworks; works in a natural waterbody (streams, wetlands), the AFMMP shall be submitted to BOPRC for written certification by a suitably qualified and experienced professional that the AFMMP satisfies the requirements of Condition 23.1(a) 24.1(a).

**Commented [CT83]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(c) No works in a natural waterbody shall commence until written certification of the AFMMP has been received.

**Commented [NZTA84]:** Already covered in Condition 6.1. Unnecessary duplication.

(d) The AFMMP shall be implemented for the duration of streamworks and works in Natural Wetlands.

(e) The consent holder shall review and update if required the AFMMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.

**Commented [NZTA85]:** Already covered in Condition 5.5. Unnecessary duplication.

## 24. Avifauna Management Plan

24.1 The Consent Holder shall prepare an **Avifauna Management Plan (AVMP)**. The purpose of the AVMP is to manage effects / disturbance during Project Works on native avifauna species, particularly cryptic wetland species.

(a) The AVMP shall include:

1. Habitats and avifauna present in the Designation Boundary and impacted by Project Works;
2. Nesting habitat preference for identified avifauna in 1. for vegetation and wetland clearance;
3. Nesting and sensitive time periods of identified avifauna in 1.;
4. Requirements for avoidance of Construction Works, or Construction Works noise restrictions, if appropriate within identified avifauna habitats during breeding season, September to December inclusive of any year;
5. Pre-construction nesting bird survey protocols (and resulting outcomes, including exclusion zones if the presence of resident or nesting birds are present);
6. Accidental discovery protocols for threatened or at-risk species discovered during Project Works; and
7. Reporting requirements with respect to accidental protocols for encountering threatened or at-risk species, and methods implemented.

**Commented [NZTA86]:** Accept.

(b) At least 20 Working Days before starting Project Works, the AVMP shall be submitted to BOPRC for written certification by a suitably qualified and experienced professional that the AVMP satisfies the requirements of Condition 24.1 25.1(a).

**Commented [NZTA87]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(c) The certified AVMP shall be implemented for the duration of Project Works.

(d) The AVMP shall be reviewed and updated if required on an annual basis for the duration of Project Works. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a SQEP prior to implementation.

**Commented [NZTA88]:** Already covered in Condition 5.5. Unnecessary duplication. See response 16.13 in Attachment 2 response to comments from Bay of Plenty Regional Council.

## 25. Bat Management

25.1 Within the 12 months prior to starting Project Works in areas where long-tailed bat may be impacted by Project Works, a SQEP shall conduct a bat presence survey to identify long-tailed bats within the Designation. The monitoring shall be conducted during November - March and for a minimum of 21 suitable survey nights.

25.2 If the survey in Condition 25.1 26.1 above confirms a long-tailed bat presence, a **Bat Management Plan (Bat MP)** shall be prepared by a SQEP. The purpose of the Bat MP is to identify methods to be adopted to avoid and/or minimise adverse effects on bats.

**Commented [NZTA89]:** Already covered in Condition 5.3. Unnecessary duplication.

(a) The Bat MP shall include:

1. Identification of potential bat roosts within areas of vegetation clearance. If vegetation with potential bat roost characteristics is present, Department of Conservation (2024) Protocols for Minimising Risk of Felling Occupied Bat Roosts (Bat Roost Protocols) Version 4 October 2024, or subsequent version, must be implemented (See Advice Notes);
2. Measures to avoid and minimise potential bat roost removal;
3. Where potential roost felling is not able to be avoided, detail on current best practice for tree removal protocols to avoid injury and/or mortality of roosting long-tailed bats; and
4. Identification of required habitat replacement and/or restoration to manage the effect of habitat loss on long-tailed bats.
5. Species selection and planting plans shall take into account the New Zealand Bat Recovery Group Advice Note – Planting to provide roosts for bats in the long-term (see Advice Notes).

**Commented [NZTA90]:** Oppose. See response 16.14 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA91]:** Oppose. See response 16.14 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(b) At least 20 Working Days before starting Project Works, the Bat MP (if required) shall be submitted to BOPRC for written certification by a SQEP that the Bat MP satisfies the requirements of Condition 25.2 26:2(a).

**Commented [NZTA92]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(c) The Bat MP (if required) shall be implemented for the duration of Project Works.

(d) The Consent Holder shall review and update, if required, the Bat MP on an annual basis for the duration of Project Works. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a SQEP prior to implementation.

**Commented [NZTA93]:** Already covered in Condition 5.5. Unnecessary duplication.

## 26. Stream Management and Monitoring Plan

**Commented [NZTA94]:** See Condition 27, which has been updated to incorporate some of the amendments proposed.

26.1 The Consent Holder shall prepare a **Stream Management and Monitoring Plan (SMMP)**. The SMMP shall be prepared by a suitably qualified and experienced ecologist. The purpose of the SMMP is to monitor and manage the ecological effects of the Project on aquatic ecosystems.

**Commented [NZTA95]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(a) The SMMP shall:

1. Establish the aims and objectives of stream management and monitoring, including the aims and objectives for each stream realignment;

**Commented [NZTA96]:** Accept in principle.

2. Establish qualitative and/or quantitative indicators of stable or improving trends in aquatic ecosystem health, fish and/or kākahi populations, water quality and physical habitat, as compared to baseline data obtained under Condition 267.1(a)4i and which will inform the success monitoring for stream realignments required under condition 26.1(a)4iv;

**Commented [NZTA97]:** Accept in principle.

3. Include sampling and survey methods that align with relevant industry standards and protocols;

4. Details of stream aquatic ecosystem health monitoring to be carried out prior to, during, and post construction, including:

a. Monitoring locations, including establishment of permanent monitoring reaches within the each impacted Watercourse, and a minimum of two nearby representative reference Watercourses for monitoring of;

**Commented [NZTA98]:** Accept.

- i. Deposited fine sediment;
- ii. Physical habitat descriptions;
- iii. SEV monitoring;
- iv. Kākahi surveys;
- v. Quantitative macroinvertebrate community sampling;
- vi. Quantitative fish community surveys; and
- vii. Fish passage.

b. Monitoring requirements, including:

- i. Quarterly baseline stream monitoring for a minimum of one year prior to Construction Works commencing;
- ii. Monthly water quality monitoring of each Watercourse while earthworks are taking place within the catchments that contain each Watercourse;
- iii. Biannual monitoring during Construction Works;
- iv. Biannual monitoring for a minimum of two years following the Completion of Construction, or until the installation requirements pursuant to Condition 27.1(a)7 are confirmed, whichever is earlier. Successive monitoring for stream realignments to be carried out for a minimum of ten years following the completion of Construction Works;

**Commented [NZTA99]:** Oppose. See response 16.22 in Attachment 2 response to comments from Bay of Plenty Regional Council.

5. Details on actions to be taken in the instance that indicators in Condition 267.1(a)2 are exceeded Water quality thresholds, as informed by baseline stream monitoring results, which if exceeded will trigger further investigation. The SMMP shall also detail actions to be taken in the instance that thresholds are exceeded, including any stop works policies and additional sampling or investigations to be undertaken.

6. Detailed culvert and stream realignment installation requirements as identified by a SQEP and

informed by the baseline stream monitoring results under Condition 267.1(a)-4(a)2;

7. Reporting requirements, including the minimum reporting expectations for each type of monitoring under Condition 267.1(a)4, and timeframes for when reports shall be provided to BOPRC;
  8. Mitigation contingency measures to apply in the event of accidental / unexpected adverse effects on the impacted Watercourses to manage those effects; and
  9. Stream designs for each affected stream or reach that includes a proposed stream realignment, stream reinstatement (i.e., daylighting) and/or culvert, as informed by baseline stream monitoring results, including measures to replicate natural stream channels and it provide the same or, preferably, enhanced stream values, function and extent when compared to that of the streams reclaimed to the extent practicable and taking into account the NZ Fish Passage Guidelines, Version 2.0, 2024.
- (b) At least 20 40 Working Days before starting baseline monitoring streamworks, the SMMP shall be submitted to BOPRC for written certification by a suitably qualified and experienced freshwater ecologist that the SMMP satisfies the requirements of Condition 267.1(a).
- (c) The certified SMMP shall be implemented for the duration of the streamworks and thereafter until success has been confirmed. Success shall be determined by a SQEP (freshwater ecology) based on stable or improving trends in the indicators of aquatic ecosystem health, fish and/or kākahi populations, water quality and physical habitat, as determined in accordance with condition 26.1(a)2 and as compared to baseline data and the culvert and stream designs (required under Conditions 267.1(a)). Upon confirmation of success, the SMMP requirements shall be considered fulfilled, and no further monitoring or management under the SMMP will be required.
- (d) If monitoring shows that stream realignments are failing to achieve the aims and objectives established in accordance with condition 26.1(a)2, the consent holder shall:
1. Provide a Stream Realignment Management Plan to the Bay of Plenty Regional Council identifying the adaptive management actions to be taken, the timeframes in which these are to be implemented, and ongoing monitoring to be undertaken of the management actions; and
  2. Implement the actions detailed in the Stream Realignment Management Plan within the relevant timeframes.
- (e) The consent holder shall review and update, if required, the SMMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.

26.2 (a) 1 year prior to construction starting the consent holder must submit a stream baseline monitoring and methodology plan (SBMMP) to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced ecologist. The SBMMP shall include the following:

- i. Detail methods and monitoring locations for baseline water quality monitoring as well as the parameters to be measured. Parameters shall include but not be limited to pH, conductivity, water temperature, dissolved oxygen, and turbidity. Baseline monitoring is to be carried out for a minimum of two years prior to construction.
- ii. A report detailing the outcomes of the baseline water quality monitoring is to be provided to the Bay of Plenty Regional Council forty working days prior to any construction commencing.
- iii. Stream Ecological Valuation surveys that are undertaken to inform quantitative offsetting calculations.
- iv. Stream designs for each affected stream or reach that includes a proposed stream realignment, stream reinstatement (i.e. daylighting) and/or culvert, as informed by baseline monitoring results. This shall include but not be limited to:
  - diverse hydraulic features (i.e. sequence of riffles, runs and pools).
  - the installation of woody debris;
  - Fish spawning habitat;
  - Overhanging vegetation.

**Commented [NZTA100]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA101]:** Accept in principle. See response 16.25 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(b) Baseline / pre-works monitoring must not commence until written certification has been received from the Bay of Plenty Regional Council.

(c) The consent holder shall review and update the SBMMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional prior to implementation.

## 27. Lizard Management Plan

27.1 The EMP shall include a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced herpetologist. The objective of the LMP is to minimise adverse effects on indigenous lizards within the areas of vegetation clearance associated with the Project and to create and enhance habitats for lizards.

(a) The LMP shall include, but not be limited to:

- i. undertake lizard surveys to establish the presence of native lizards;
- ii. measures to salvage native lizards from any suitable habitat within the Site;
- iii. details of suitable release site(s) for salvaged lizards;
- iv. measures to promote the success of the salvage population(s) such as pest control and habitat enhancement;
- v. details of monitoring and reporting to confirm the effectiveness of measures required in i - iii;
- vi. details of in perpetuity legal protection for release sites.
- vii. details of the person(s)/organisation that will undertake the work, and
- viii. measures to ensure consistency with requirements of the Wildlife Act 1953.

(b) At least 20 Working Days before starting Project Works, the LMP (Department of Conservation certified version) shall be submitted to the Bay of Plenty Regional Council.

(c) The certified LMP shall be implemented for the duration of Project Works.

## 28. Works Impacting Natural Wetlands

28.1 The consent holder must ensure that all works within natural wetlands and any wetland restoration and creation works are undertaken in accordance with the following documents and plans:

- (a) The Substantive Application including the technical reports;
- (b) The Boffa Miskell Ecological Effects Assessment for the Takitimu North Link Stage 2, dated 31 July 2025;
- (c) The Compensation Modelling Report (Boffa Miskell 28 July 2025);
- (d) The certified EMP, BMP, AMP, WMP, AVMP, AVMMP, Site Specific ESCPs and ESCPs required by the conditions of this consent; or
- (e) Any subsequent document and/or plan that has received written certification from the bay of Plenty Regional Council.

28.2 No fuel storage or machinery refuelling shall occur where fuel could enter a wetland in the event of a spillage.

28.3 The Consent Holder shall take all practicable measures to prevent concrete or cement-based substances from entering any wetland.

28.4 The Consent Holder shall ensure that no water associated with the mixing, pouring, placing and cleaning of concrete structures and/or equipment is released into a wetland, unless that water has been treated and the pH of the stormwater discharged is between 5.5 and 8.

**Commented [NZTA102]: Oppose.** Already covered in Conditions. Unnecessary duplication. See response 16.22 and 16.26 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA103]: Oppose.** See response 16.15 in Attachment 2 response to comment from Bay of Plenty Regional Council.

**Commented [NZTA104]: Oppose.** Does not allow for flexibility.

**Commented [NZTA105]:** Already covered in Condition 8.1 and definitions. Unnecessary duplication.

**Commented [NZTA106]:** Already covered in Condition 8.2. Unnecessary duplication. See response 16.27 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA107]:** Already covered in Condition 36.8. Unnecessary duplication.

28.5 All stormwater treatment infrastructure (including but not limited to bunds, flow attenuation devices, and open water containment areas/ponds) shall be located outside of the wetland as far as practicable. Where this infrastructure cannot be located outside of the wetland, the total footprint of that infrastructure shall not form part of the wetland restoration/revegetation. The area of wetland that has been lost to that infrastructure will be mitigated in accordance with the offset ratios for wetlands stipulated in the conditions of this consent.

Commented [NZTA108]: Oppose.

## 29. Ecological, Restoration and Landscape Planting

29.1 All planting required under the EMP shall:

(a) Use eco-sourced indigenous plant species appropriate to the locality, and the ecosystem / Wetland type being restored. These indigenous species shall be represented in appropriate diversity, proportions, cover, and configuration as would be expected for natural examples of the same ecosystem / Wetland types within the Tauranga Ecological District.

(b) Be overseen by a SQEP.

(c) Be adequately excluded from stock access.

(d) Provide habitat for lizards.

Commented [NZTA109]: Oppose. Already covered in Condition 15.1(a)3. Unnecessary duplication.

29.2 Wetland creation, riparian planting and other restoration works shall be, where practicable, completed progressively and as soon as practicable.

29.3 For all areas likely to provide inanga spawning habitat, riparian planting adjacent to the water's edge of a Wetland or Natural Wetland shall include dense low growing vegetation.

29.4 All planting required under the EMP and associated subplans shall achieve at least 90% cover of indigenous species, with no more than 5% total cover of exotic species in any vegetation tier. The species shall be appropriate for all vegetation tiers found in a mature habitat, and shall include ground cover, sub canopy and canopy species.

29.5 All planting required under the EMP shall be maintained for a minimum period of five years from the date planted, with annual monitoring to assess the establishment of planting and to identify any constraints to achieving Condition 29.4. At the conclusion of the five year monitoring and maintenance period, a SQEP will prepare a report setting out whether Condition 29.4 has been achieved. This report shall be provided to BOPRC.

(a) If the report concludes that Condition 29.4 has been achieved, plant maintenance shall cease.

(b) If the report concludes that Condition 29.4 has not been achieved, the maintenance period shall be extended by a period of one year, with monitoring carried out annually until either:

1. the requirements of Condition 29.4 has been achieved; or

2. A suitable remedial, offset and / or compensation alternative is agreed in writing between the Consent Holder and BOPRC.

## 30. Vegetation Clearance

30.1 The Consent Holder shall ensure that where practicable and safe, any trees shall be directionally felled or pulled back to prevent them from damaging the beds or banks of any Waterbodies.

30.2 The Consent Holder shall ensure that vegetation clearance is carried out in such a way as to limit soil disturbance, erosion and any scour of the bed or banks of any Waterbodies.

30.3 The Consent Holder shall ensure that, as far as reasonably practicable, all surface water or Waterbodies shall be kept clear of any vegetation and other constrictions resulting from the vegetation clearance.

30.4 If potential bat roosts are found on site, as identified through the presence / absence survey

required by the Bat MP:

(a) Within 10 days of the completion of vegetation clearance, a completion report must be submitted to the Bay of Plenty Regional Council for information purposes. The completion report must include the following:

1. Methodology and results for the bat roost tree assessment if high risk trees are identified; and

2. Methodology and results of the implementation of the DOC Bat Roost Protocols; and

3. If any confirmed roost trees are detected, the completion report must detail measures taken to assess alternative options to clear the confirmed roost tree(s) and if avoidance is not possible, additional offsetting, roost relocation, and/or compensation that will be implemented (see Advice Notes).

30.5 All machinery shall be regularly cleaned to ensure no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into any waterbody or to land where it may enter water, from equipment being used for the works.

### 31 Wetland Restoration and Creation

31.1 Prior to the commencement of Project Works, a SQEP shall determine whether the Project Works will result in a loss of Natural Wetland extent and / or impact on Natural Wetland/s within the Ōmokoroa and / or Merrin Wetlands (as identified in BOPRC Consent Appendix RM25-0466-02 and Appendix RM25-0466-03).

31.2 If the Project results in a loss of Natural Wetland extent and / or impact on Natural Wetland within the Ōmokoroa and / or Merrin Wetlands, the Consent Holder shall offset or compensate that loss through creation of new Wetland/s and restoration of existing Natural Wetlands in accordance with Appendix 6 and 7 of the NPS-FM. The efficacy of the proposed offset or compensation shall be confirmed through assessment of wetland condition, wetland pressure, and plot condition in accordance with "Clarkson, B. R., Sorrell, B. K., Reeves, P. N., Champion, P. D., Partridge, T. R., & Clarkson, B. D. (2004). Handbook for monitoring wetland condition: Coordinated monitoring of New Zealand wetlands (Revised). Ministry for the Environment" and also through drone footage and imagery, and the results modelled in accordance with the Department of Conservation Biodiversity Offsets Accounting Model for New Zealand: User Manual (Contract Report 2014-008, prepared by Catalyst Group) as determined by a SQEP, to reflect the actual loss of Natural Wetland extent and / or impact on Natural Wetland.

31.3 The maximum loss of Ōmokoroa and / or Merrin Wetland extent that can occur as a result of Project Works is 2.56 ha.

31.4 For impacts on other Natural Wetlands (Natural Wetlands that are not the Ōmokoroa or Merrin Wetlands), restoration and creation shall be undertaken in accordance with the following replacement ratios:

(a) For Natural Wetlands with a moderate value, a 1:2 (wetland loss : creation) or 1:1:3+ ratio (wetland loss : creation : restoration); and

(b) For Natural Wetlands with a low value, a 1:1 (wetland loss : creation).

31.5 Created Wetlands will be located in ecologically / hydrologically suitable locations within or close to impacted catchments, as determined by a SQEP. Where practicable, created Wetlands will expand existing Natural Wetlands and / or be contiguous with Watercourses.

31.6 Five years after the Completion of Construction, a SQEP shall assess the Wetland creation and restoration undertaken pursuant to Conditions 31.2, 31.4 and 31.5 and provide a report to BOPRC. If the report concludes that any of the requirements in Conditions 31.2, 31.4 and 31.5 have not been achieved, a SQEP shall:

(a) Review and update the WMP to include methods and interventions to support the achievement of the relevant requirements; or

(b) Recommend suitable remedial, offset and / or compensation alternatives to achieve the relevant requirements, to be agreed in writing between the Consent Holder and BOPRC.

**Commented [NZTA110]:** Already covered for in Condition 26.2. Unnecessary duplication. See also response 16.14 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA111]:** Already covered in Conditions 8.1 and 8.2. Unnecessary duplication.

**Commented [NZTA112]:** Oppose. Unnecessary.

**Commented [NZTA113]:** Oppose. Unnecessary detail.

**Commented [NZTA114]:** Oppose. Unnecessary detail and already covered in Condition 30.2.

31.7 (a) Following Completion of Construction, a SQEP shall assess the created and / or restored Wetland/s to confirm whether wetland hydrology is present. If wetland hydrology is not present, the SQEP shall review and update the WMP to include methods and interventions to support the establishment of wetland hydrology.

(b) The consent holder shall ensure that all restoration undertaken as offsetting and / or compensation is maintained for the duration of this consent.

31.8 Wetland creation and restoration, including plantings, to be completed progressively and as soon as practically possible following completion of works at each location. All planting shall be completed within six months of completion of works at each location.

31.9 All planting, wetland creation and restoration areas must be adequately excluded from stock access.

31.10 All plantings and wetland creation must be maintained for a minimum period of five years from the date planted to achieve at least 90% cover of indigenous species, with no more than 5% total cover of exotic species in any tier. The species shall be appropriate for all tiers found in a mature habitat, and shall include ground cover, sub canopy and canopy species (except for wetlands). If monitoring shows that 90% cover has not been achieved after five years of maintenance, the maintenance period shall be extended until that is achieved, or a suitable mitigation and/or compensation alternative is agreed in writing between the consent holder and the Bay of Plenty Regional Council.

31.11 All wetland restoration must achieve a minimum of 90% cover of indigenous plant species and a maximum of 5% cover of exotic plant species across all vegetation tiers (groundcover, understorey, and canopy) within five (5) years of the commencement of restoration works. Following this initial establishment period, the cover of exotic species must be maintained at or below 5% for the duration of the consent.

31.12 All plantings, wetland creation and restoration to be overseen by a suitably qualified ecologist and use eco-sourced (Tauranga Ecological District) indigenous plants species appropriate to the locality, and the ecosystem/wetland type being restored (i.e. the ecosystem/wetland type that would have occurred at the locality under natural conditions). These indigenous species shall be represented in appropriate diversity, proportions, cover, and configuration as would be expected for natural examples of the same ecosystem/wetland types within the Tauranga Ecological District.

#### Advice Notes

1. All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.

2. No archaeological sites, whether recorded or unrecorded, may be destroyed, damaged or modified without the consent of Heritage New Zealand (under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014). If an archaeological site(s) and/or kōiwi are unearthed, the consent holder is advised to immediately stop work in the vicinity of the discovery, and contact Heritage New Zealand and all relevant iwi/hapū for advice. Heritage New Zealand contact details: email [info@lowerheritage.org.nz](mailto:info@lowerheritage.org.nz); phone 07 577 4530. Bay of Plenty Regional Council can provide the contact details of the relevant iwi and hapū in this area.

3. 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.

4. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Please include the consent number RM25-0466-LC.01.

1 ——— For the avoidance of doubt, the deemed certification process in Condition 6 applies to Management Plan(s) for Enabling Works.

5. The Consent Holder may prepare one ESCP, or separate ESCPs that meet Conditions 9.1 and 9.2.

**Commented [NZTA115]:** Already covered in Condition 28.2. Unnecessary duplication.

**Commented [NZTA116]:** Oppose, does not provide flexibility.

**Commented [NZTA117]:** Already covered in Conditions 23.1(a)5.xi and 28.1(c). Unnecessary duplication.

**Commented [NZTA118]:** This is Condition 28.4

**Commented [NZTA119]:** Already covered in Condition 28.5. Unnecessary duplication.

**Commented [NZTA120]:** This is Condition 28.4

**Commented [NZTA121]:** Already covered in Condition 28.1. Unnecessary duplication.

**Commented [NZTA122]:** Oppose. Unnecessary.

**Commented [NZTA123]:** Oppose. Duplication with Archaeological Authority Conditions.

**Commented [NZTA124]:** Oppose. Unnecessary detail.

6. The Designation for the Project also include conditions that require the preparation and implementation of a CMP. The Consent Holder may prepare one CMP that meets the conditions of the Designation and this Consent or two separate CMPs.

7. For the purposes of Condition 15, The initial preparation of the EMP need not include all of the required subplans. These subplans can be added to the EMP as and when they are prepared, in accordance with the timeframes set out in the relevant Management Plan conditions

8. The Wetland Management Plan is the equivalent of a Biodiversity Management Plan as referenced in Rule DD6 of the Bay of Plenty Regional Coastal Environment Plan.

9. The duration of implementation for the subplans contained within the EMP are as set out in those specific sub-management plan conditions.

10. The Designation for the Project also includes conditions that require building condition surveys. Compliance with Condition 17B with respect to property owners may also constitute compliance with the conditions of the Designation.

11. The methods defined within Condition 31B.2 allow for the implementation of restoration and effects management prior to impacts on Natural Wetlands to reduce the time lag within the offset or compensation modelling.

12. The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.

13. Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.

14. In order to maintain erosion and sediment controls in effective capacity, accumulated sediment should be removed from sediment retention devices before it reaches 25% of that device's volume and all sediment removed should be placed in a stable position where it cannot re-enter a sediment retention device or enter any water body.

15. Clean fill material as defined by the waste acceptance criteria for Class 5 Clean Fill in the WasteMINZ 'Technical Guidelines for Disposal to Land' Revision 3.1 (2023) is material that is:

(a) Virgin excavated natural materials (VENM) such as clay, soil, rock and sand that are free of combustible, putrescible, degradable or leachable components; and

(b) Maximum incidental inert materials (e.g., concrete, brick, tiles) are no more than 5% by volume per load; and

(c) Maximum incidental or attached biodegradable materials (e.g., vegetation) are no more than 2% by volume per load; and

(d) Maximum chemical contaminant limits accepted by the regulatory authority to be the background concentration for VEMN within the intended catchment of the site.

16. <https://www.doc.govt.nz/globalassets/documents/conservation/native-animals/bats/bat-recovery/protocols-minimising-risk-felling-occupied-bat-roosts.pdf>

17. New Zealand Bat Recovery Group Advice Note – Planting to provide roosts 2 for bats in the long-term

Commented [NZTA125]: Oppose. Unnecessary detail.

Commented [NZTA126]: Oppose. Unnecessary detail and duplication with Definitions.

Commented [NZTA127]: Oppose. Unnecessary detail.

## RM25-0466-LC.02

A resource consent:

- Under section 13(1)(b) of the Resource Management Act 1991 and Rule BW R36 of the Regional Natural Resources Plan to undertake a discretionary activity being drilling within the bed of a watercourse; and
- Under section 9(2)(a) of the Resource Management Act 1991 and Rule 40A of the Regional Natural Resources Plan to undertake a controlled activity being drilling of land that intercepts the water table and associated discharge of drilling fluids

subject to the following conditions:

### 1. Purpose

1.1 The purpose of this consent is to authorise and set conditions for drilling of land for bridge piles that intercept groundwater, drilling within the bed of watercourses for bridge piles, and the associated discharge of drilling fluid associated with the construction of the Takitimu North Link Stage 2.

### 2. Consent lapse and expiry

2.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 20 years after the commencement of this consent

(b) This consent shall lapse 20 years after the commencement of this consent.

**Commented [NZTA128]:** Oppose. Already covered in Condition 1.1. Unnecessary duplication.

### 3. Location

3.1 The activity ~~ies~~ authorised by ~~the~~ this 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.

### 4. Review of consent conditions

4.1 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.

### 5. Drilling Works

5.1 (a) A minimum of five Working Days prior to undertaking any specific site drilling under this Consent, the Consent Holder shall submit a **Final Construction Execution Procedure** which includes detailed design plans that show the final location(s), depths, duration and methodologies for drilling to BOPRC for information written certification by an environmental engineer (see Advice Notes). Written certification is to ensure the requirements of this condition are met.

(b) Drilling shall not commence until written certification from the Bay of Plenty Regional Council is received in accordance with clause (a).

**Commented [NZTA129]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council and Condition 5.1.

5.2 The Final Construction Execution Procedure is to apply for the duration of any specific site drilling under this Consent, and will be accessible on-site at all times.

5.3 The consent holder shall undertake all drilling authorised by this consent in accordance with the following:

(a) The Substantive Application; and

(b) The Final Construction Execution Procedure required by condition 5.1; or

(c) Any subsequent document or plan that has received written certification from the Bay of Plenty Regional Council.

5.4 The consent holder shall:

(a) Ensure that all drilling fluids ~~are discharged to land in a manner they shall not enter water~~ from the drilling operations are managed in accordance with the erosion and sediment control plan(s) or site specific erosion and sediment control plan(s) required by the conditions of RM25-0466-LC.01.

(b) Monitor the drilling fluid discharge to ensure that it does not cause erosion, sedimentation or flooding of land not owned by the Consent Holder that is adjacent to the Designation Boundary.

(c) The discharge of drilling fluids shall be undertaken in accordance with the conditions of RM25-0466-DC.01.

The Consent Holder shall ensure that stream banks are not damaged, and their erosion resistance is not compromised by any drilling activities. Should any damage occur from drilling activities, the stream banks shall be remediated as soon as practicable.

## 6. Construction Requirements

6.1 All equipment used for drilling, and their maintenance, shall be kept clean to prevent the entry of contaminants to groundwater.

6.2 All chemicals, drill fluid additives, grout materials used in the construction and operation of the drill hole shall be prepared and used in accordance with the manufacturers' instructions.

6.3 The driller shall have available the manufacturers' guidelines and material safety data sheets for chemicals, drilling fluid additives and grout materials. This shall include instructions for handling, preparation, use, potential hazards, and disposal requirements for materials and their containers.

6.4 All grout materials shall be suitable in terms of their composition, density, strength, and corrosion resistance for the site and installation conditions.

6.5 Grout additives that could leave a residual toxicity in groundwater shall not be used.

6.6 Water used for drilling fluid or grouting shall be free of substances or contaminants that may adversely affect the strength of the grout or grout setting time.

6.7 Any Bentonite used must not contain any added substances that may adversely affect the strength of the grout or grout setting time or result in a discharge that affects groundwater quality.

6.8 The Consent Holder shall ensure that upon completion of the drilling works, wastes introduced during drilling and Construction Works are removed.

6.9 If artesian conditions are encountered, the Consent Holder shall ensure control of potential flowing artesian groundwater and prevent instability of the ground at the drill site. Groundwater leakage under flowing artesian pressures shall be prevented, where practicable.

**Commented [NZTA130]: Oppose.** Does not allow for flexibility.

**Commented [NZTA131]: Oppose.** Unnecessary detail and already covered in Conditions 9-12.

**Commented [NZTA132]: Oppose.** Unnecessary.

## RM25-0466-BC.01

### A resource consent:

- Under section 13(1) of the Resource Management Act 1991 and Rule BW R36 of the Regional Natural Resources Plan to undertake a discretionary activity being to reclaim streams, excavate and disturb the bed and banks of streams, to place use and maintain culverts, bridges and discharge structures in, on, under or over the bed of a stream; and
- Under section 14(2) of the Resource Management Act 1991 and Rule WQ R21 of the Regional Natural Resources Plan to undertake a discretionary activity being the permanent damming or diversion of water; and
- Under section 14(2) of the Resource Management Act 1991 and Rule WQ R21 of the Regional Natural Resources Plan to undertake a discretionary activity being the temporary damming or diversion of water; and
- Under section 13(1) of the Resource Management Act 1991 and Regulation 71 of the National Environmental Standards for Freshwater to undertake a discretionary activity being to place and use culverts in, on, under or over the bed of a river; and
- Under section 14(2) of the Resource Management Act 1991 and Regulation 45(4) of the National Environmental Standards for Freshwater to undertake a discretionary activity being to temporarily and permanently dam or divert water within or within a 100 metre setback from a natural inland wetland for the purpose of constructing specified infrastructure; and
- Under section 14(2) of the Resource Management Act 1991 and Regulation 47(3) of the National Environmental Standards for Freshwater to undertake a restricted discretionary activity being to permanently dam or divert water within or within a 100 metre setback from a natural inland wetland for the purpose of maintaining or operating specified infrastructure

subject to the following conditions

#### 1. Purpose

1.1 The purpose of this consent is to authorise and set conditions:

- (a) To excavate and disturb the bed and banks of streams; and
- (b) Temporary diversion of streams during instream works; and
- (c) Reclaim streams associated with the installation of culverts and permanent diversion structures; and
- (d) Use and maintenance of new bridges, abutments and erosion protection infrastructure; and
- (e) Use and maintenance of new culverts and erosion protection infrastructure; and
- (f) Permanently divert streams; and
- (g) Installation and maintenance of discharge structures for the construction, operation and maintenance of the Takitimu North Link Stage 2.

**Commented [NZTA133]:** Already covered in Condition 1.1. Unnecessary duplication.

#### 2. Location

2.1 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.

#### 3. Consent Lapse and Expiry

3.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 35 years after the commencement of this consent.

(b) This consent shall lapse 20 years after the commencement of this consent.

#### 4. Notification of Works

4.1 At least five Working Days prior to the start of Construction Works, an on-site preconstruction meeting shall be held. The Project Representative(s) shall invite appropriate representative(s) from the contractor, BOPRC, Pirirākau and Ngāti Taka to attend the meeting.

- (a) The meeting shall be located on the Project site unless otherwise agreed;
- (b) The following information shall be made available at the pre-construction meeting:
  1. Conditions of the Consents;
  2. Details for the Project Representative(s), including their contact details (phone and email address);
  3. Timeframes for planned key stages of Construction Works; and
  4. Contact details of the site contractor and other key contractors.

#### 5. Discharge structures-~~Installation~~

5.1 At least 40 Working Days prior to starting any site-specific discharge structure works (excluding site investigations and Enabling Works) authorised by this Consent, the Consent Holder shall submit to BOPRC the following ~~to the Bay of Plenty Regional Council for written certification by an environmental engineer:~~

- (d) ~~Written certification from a SQEP that the following is in accordance with good engineering practice and in accordance with the conditions of this Consent, and the Culverts and Stream Hydraulic Design Report required under Condition 38.2:~~

~~(a) Final detailed engineering discharge structure sizes and designs and requirements for erosion protection, including design calculation and methodology; and~~

~~(b) Final detailed design of all discharge structures including erosion protection and, where appropriate, the fish passage methods to be used when discharging flows of perennial streams, or where viable fish habitat exists upstream of the discharge structure.~~

~~(c) A schedule to identify locations of all discharge structures to be installed across the Project.~~

~~(d) Written certification shall be to ensure compliance with the conditions of this consent.~~

~~(e) No works to install discharge structures shall commence until written certification has been received.~~

5.2 Where discharge structures release into sensitive environments, such as Watercourses, Natural Wetlands and Wetlands, the discharge structure must be designed to distribute the flow in a manner that prevents scour downstream of the discharge structure.

5.3 All discharge structure works authorised under this Consent shall be constructed in accordance with the plans, design and reports submitted under ~~the conditions of this consent. Condition 34.1.~~

5.4 Within 20 Working Days of completion of all discharge structures authorised by this Consent (including embankments, headwalls, aprons and erosion protection), the Consent Holder shall forward documentation to BOPRC, ~~for written certification by an environmental engineer,~~ covering the discharge structure as set out below:

(a) Written certification from ~~an appropriately qualified and experienced Chartered Professional Engineer~~ SQEP confirming that the discharge structure has been built in accordance with good engineering practice and in accordance with the conditions of this Consent ~~and the Stream Hydraulic Design Report required by condition 7.2 of this consent;~~ and

(b) A schedule of structures identifying the locations of each discharge structure and full design details.

~~(c) Certification shall be for the purpose of ensuring compliance with the conditions of this consent.~~

5.5 Discharge structures releasing into Te Puna Stream must be located to prevent damage and/or change in the salinity of the existing Wetlands within the tidally influenced portion of the stream.

**Commented [NZTA134]:** See response 16.11 Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA135]:** Already covered in Condition 5.1. Unnecessary duplication.

**Commented [NZTA136]:** Oppose, unclear.

**Commented [NZTA137]:** See response 16.11 Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA138]:** See response 16.11 Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA139]:** Oppose, unnecessary.

5.6 All discharge structures shall have erosion protection installed.

**Commented [NZTA140]:** Oppose, already covered in Condition 9. Unnecessary duplication.

## 6. Bridges

6.1 (a) At least 40 Working Days prior to starting works authorised by this Consent (excluding site investigations and Enabling Works), the Consent Holder shall submit to BOPRC written certification from an **appropriately qualified and experienced chartered professional engineer SQEP** that the detailed bridge design (including final design and scour calculations) is in accordance with good engineering practice and in accordance with the conditions of this Consent, and the Culverts and Stream Hydraulic Design Report required under Condition 7.2 38-3, for the following bridges:

1. Bridge SH2-530
2. Bridge TNL-6870
3. Bridge TNL-7240
4. Bridge SH2-990
5. Te Puna Stream Bridge TNL-9210
6. Bridge AIN-1275
7. Bridge SH2-5380
8. Bridge SH2-6170

(b) Certification is for the purpose of ensuring compliance with the conditions of this consent.

(c) Works must not commence until written certification has been received.

**Commented [NZTA141]:** Oppose, as above.

6.2 Within 20 Working Days of completion of all bridge structures authorised by this Consent (including embankments, bridges, abutments, associated support structures and erosion protection), the Consent Holder shall provide submit, in writing, to BOPRC, complete and accurate as-built plans of the structures (embankments, bridges, abutments, associated support structures and erosion protection) authorised by this consent, prepared by an appropriately qualified and experienced Chartered Professional Engineer SQEP confirming that the bridge structures have been built in accordance with the detailed bridge design certified under Condition 6.1 35-1.

**Commented [NZTA142]:** Oppose, unnecessary detail.

**Commented [NZTA143]:** Oppose, unnecessary detail.

6.3 Stormwater runoff from the completed bridge decks shall be directed to a stormwater treatment device prior to being discharged to the receiving environment, in a manner that does not cause bank or abutment erosion.

## 7. General works

7.1 The consent holder shall undertake all works authorised by this consent in accordance with the following documents and plans:

1. The Substantive Application; and
2. The certified Construction Management Plan required by the conditions of RM25-0466-LC.01; and
3. The certified Biosecurity Management Plan required by the conditions of RM25-0466-LC.01; and
4. The certified Ecological Management Plan required by the conditions of RM25-0466-LC.01; and
5. The certified Wetland Management Plan required by the conditions of RM25-0466-LC.01; and
6. The certified Aquatic Fauna Management and Monitoring Plan required by the conditions of RM25-0466-LC.01; and
7. The certified Avifauna Management Plan required by the conditions of RM25-0466-LC.01; and
8. The certified Stream Management Monitoring Plan required by the conditions of RM25-0466-LC.01; and
9. The certified stream baseline monitoring and methodology plan required by the conditions of RM25-0466-LC.01; and
10. The certified Biosecurity Management Plan required by the conditions of RM25-0466-LC.01; and
11. The detailed plans required by conditions 7.2, 9.1, 11.1, 12.1 and 15.1 of this consent; and

12. The certified Culvert and Stream Hydraulic Design Report required by Condition 7.2 of this consent; or

13. Any subsequent document or plan certified in writing by a Bay of Plenty Regional Council SQEP.

7.2 (a) At least 40 Working Days prior to starting any specific stage of works (excluding site investigations and Enabling Works), the Consent Holder shall submit to the Bay of Plenty Regional Council, a finalised Culvert and Stream Hydraulic Design Report, certified by an appropriately qualified and experienced Chartered Professional Engineer, for written certification by an environmental engineer to ensure compliance with the conditions of this consent. Works shall not commence until written certification has been received.

(b) The Culvert and Stream Hydraulic Report shall be based on the Substantive Application, Stormwater Assessment TNL 2 dated 2 July 2025 (Appendix 9.4.9 of the Substantive Application) and the drawings attached to the Substantive Application as Appendix 9.6.

(c) The Culvert and Stream Hydraulic Report shall include:

1. Final detailed engineering culvert sizes and designs and requirements for erosion protection, including design calculation and methodology;
2. Final detailed design of all site-specific culverts including erosion protection and the fish passage methods to be used at each site; and
3. Culvert embankments to be constructed at a safe batter slope.

7.3 The Consent Holder shall ensure that temporary diversions are installed prior to any instream works under this consent being undertaken.

7.4 The Consent Holder shall ensure:

(a) Any contaminant storage, refueling and maintenance areas shall be carried out in a location where there is no risk of the discharge of contaminants to land where it may enter water or directly to water; and

(b) Machinery shall be kept out of waterbodies except when in use; and

(c) Machinery is cleaned in accordance with condition 30.5 of RM25-0466-LC.01.

(d) The Consent Holder shall ensure that the Stream banks are not damaged and that their erosion resistance is not compromised by Construction Works and/or structures. Should any damage occur, the stream banks shall be remedied as soon as safely practicable.

7.5 The Consent Holder shall ensure:

(a) All works are undertaken above water level where practicable, with works scheduled to be undertaken during a forecasted period of fine weather.

(b) Works within streams are not undertaken during periods where the flow in the existing stream exceeds the bank full flow.

7.6 All works shall be undertaken in a manner that minimises discolouration of waterbodies.

7.7 No vegetation, soil, slash or other debris shall be deposited in a water body or left in a position where the material could enter water.

Any erosion and scour of stream channel or banks resulting from discharge structure and/or bridge works under this Consent shall be Stabilised as soon as practicable.

7.8 The Consent Holder shall take all practicable measures to prevent liquid concrete or cement based substances from entering surface water in accordance with the certified Site Specific Erosion and Sediment Control Plan(s) SSSCP required by the conditions of RM25-0466-LC.01.

7.9 (a) Any exposed area of ground resulting from the works above the water table associated with this Consent shall be Stabilised as soon as practicable, following completion of those works.

**Commented [NZTA144]:** Oppose, unnecessary detail, does not provide flexibility.

**Commented [NZTA145]:** Oppose. Unnecessary detail and does not allow for flexibility.

**Commented [NZTA146]:** Oppose. Unnecessary detail.

**Commented [NZTA147]:** Already covered in Condition 8.1. Unnecessary duplication. See response to 16.27 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA148]:** Already covered in Conditions 14.1 and 9. Unnecessary duplication.

**Commented [NZTA149]:** Oppose. Unnecessary.

**Commented [NZTA150]:** Oppose. Unnecessary.

**Commented [NZTA151]:** Oppose. Already concerned in Condition 9. Unnecessary duplication.

**Commented [NZTA152]:** Already covered in Condition 8.2. Unnecessary duplication.

**Commented [NZTA153]:** Oppose. Unnecessary.

(b) Any bank / bed stabilisation and armouring shall be undertaken in a manner that maintains natural bank materials.

**Commented [NZTA154]:** Oppose. Does not allow for flexibility.

(c) The installation works shall be undertaken to prevent damage to stream banks or beds outside of the works footprint and to prevent their erosion resistance from being compromised by the Construction Works. Any erosion and scour of stream channel or banks resulting from works under this Consent shall be Stabilised or remediated as soon as practicable.

7.10 The Consent Holder shall ensure that erosion protection installed provides for fish passage, when discharging flows of perennial streams or where viable fish habitat exists upstream of the structure.

~~Where discharge structures release into sensitive environments, such as Watercourses, Natural Wetlands, and Wetlands, the discharge structure must be designed to distribute the released flow in a manner that prevents scour downstream of the discharge structure.~~

7.11 The Consent Holder shall not block land drains or otherwise prevent interconnectivity of agricultural drainage networks during Construction Works.

7.12 The Consent Holder shall ensure that no water associated with the mixing, pouring, placing and cleaning of structures and/or equipment is released into a Waterbody, unless that water has been treated and the pH of the water discharged is between 5.5-8.

7.13 (a) The consent holder shall ensure that rock protection, used for erosion protection/outlet structures is clean, sound, angular rock that is well graded to achieve adequate interlocking, and complies with the relevant class of rock in the Bay of Plenty Regional Council Hydrological and Hydraulic Guidelines (Guideline 2012/02) or alternative class of rock that has been certified in writing by a Bay of Plenty Regional Council Environmental Engineer.

**Commented [NZTA155]:** Oppose, unnecessary detail.

(b) The rock is to be tapered into the banks of streams and be structurally stable with minimal risk of collapse into the stream bed; and installed so that it is able to settle and effectively stabilise any scour erosion of the channel including along the toe of the rock protection.

**Commented [NZTA156]:** Oppose, unnecessary detail.

## 8. In Bed Erosion and Sediment Control

8.1 The Consent Holder shall ensure that temporary erosion and sediment controls are installed prior to works commencing, in accordance with the Erosion and Sediment Control Plan (ESCP) or SSES CP required by the conditions of RM25-0466-LC.01.

8.2 The Consent Holder shall ensure that the temporary erosion and sediment controls are maintained in good working order and remain in place until such time as the works are completed as the site is fully stabilised.

**Commented [NZTA157]:** Already covered in Conditions 10 and 11. Unnecessary duplication.

## 9. Temporary Stream Diversion

9.1 (a) Twenty working days prior to works to install a temporary diversion, the consent holder shall submit to the Bay of Plenty Regional Council detailed design of the temporary diversion(s) and design details for the temporary diversion, including the duration the diversion, to be installed on site for written certification by an Environmental Engineer.

(b) Written certification is for the purpose of ensure that the conditions of this consent are complied with and works must not commence until written certification is received.

(c) The consent holder shall ensure that the works to temporarily divert streams are undertaken in accordance with the ESCP(s) and SSES CP(s) required by the conditions of RM25-0466-LC.01.

9.2 The consent holder shall ensure that works to install the temporary diversion(s) are undertaken in accordance with the detailed design required by condition 9.1, in a timely manner and during a period of fine weather and low stream flow.

9.3 The temporary diversion structure(s) to divert stream(s) away from excavation works shall remain in place for the duration of works. The temporary diversion(s) shall not be removed and the stream(s) flow reinstated until streambed works have been completed.

9.4 The consent holder shall ensure that the temporary diversion is in place, the stream bed diverted away from the works area before any excavation or construction works within the stream bed(s) begin.

9.5 Temporary stream diversions must provide for full fish passage if the diversion is in place for a duration of ten (10) working days or more.

9.6 The consent holder shall:

(a) Monitor the weather forecast prior to installing a temporary diversion and daily for the duration that a temporary diversion is in place.

(b) If a severe weather warning is identified for the local region flood management protocols must be applied, including removal of equipment, machinery and materials susceptible to flooding, stabilisation of ground surfaces and securing of materials where possible, and removal of temporary works if necessary having regard to the nature of the weather warning.

(c) Following heavy rainfall or flooding the consent holder shall assess the site as soon as practicable and within 24 hours and carry out remedial works necessary to ensure that the temporary diversion can operate as intended.

(d) A contact person(s) is available at all hours and has necessary access to staff to attend the site at short notice to carry out preparation and remedial works in case of a severe weather warning.

Commented [NZTA158]: Oppose, unnecessary and already covered in Conditions 9 and 12.

## 10. Te Puna Stream Bridge

10.1 The Consent Holder shall ensure that temporary signage is installed upstream and downstream of the Te Puna Stream Bridge site to warn users of the Te Puna Stream of Construction Works and to advise them of any navigational safety restrictions.

10.2 The Consent Holder shall ensure that unimpeded access is maintained to the Te Puna Stream, except through areas where unimpeded access to the Stream would endanger the safety of the public as a result of Project Works.

## 11. ~~Culvert Installation~~ Permanent Culverts

11.1 No less than 20 working days prior to the installation of each permanent culvert structure and associated reclamation works authorised by this consent, the consent holder shall submit the following to the Bay of Plenty Regional Council for written certification by an environmental engineer and/or an environmental scientist:

(a) The provision of fish passage in accordance with the New Zealand Fish Passage Guidelines (Franklin et al., 2024) and the Specimen Design Report (BBO, 2025) or subsequent updated certified version of this report; and

(b) Written certification from an appropriately qualified and experienced Chartered Professional Engineer(s), with the appropriate specialities to be certified in writing by the Bay of Plenty Regional Council, that the following is in accordance with good engineering practice and the conditions of this consent:

1. Final detailed engineering culvert sizes and designs and requirements for erosion protection, including design calculation(s) and methodology(s); and

2. Final detailed design of all culverts including erosion protection and the fish passage methods to be used at each site; and

3. Detailed design of all culverts located under fill embankments (if applicable); and

4. Geotechnical assurances from a Category 1 Geotechnical Engineer that culvert embankments will be constructed of a safe batter slope and constructed to avoid failure; and

5. A schedule to identify locations of all culverts to be installed across the TNL Stage 2 alignment.

(c) Works to install the culvert structure(s) and associated reclamation within the beds of streams must not commence until written certification has been provided by the Bay of Plenty Regional Council.

**Commented [NZTA159]:** Already covered in Conditions 38.3 and 38.8. Unnecessary duplication.

**Commented [NZTA160]:** Already covered in Condition 5.1. Unnecessary duplication.

11.2 All works to install the permanent culverts must be undertaken in accordance with the following:

(a) The certified ESCPs and / or the SDESCPs required by the conditions of RM25-0466-LC.01; and

(b) The certified Ecological Management Plan required by the conditions of RM25-0466-LC.01; and

(c) The certified Aquatic Fauna Monitoring and Management Plan required by the conditions of RM25-0466-LC.01; and

(d) The certified Stream Management Plan required by the conditions of RM25-0466-LC.01; and

(e) The certified stream baseline monitoring and methodology plan required by the conditions of RM25-0466-LC.01; and

(f) 7.12 to 8.1 (inclusive) of this consent; and

(g) The detailed design required by condition 11.1 of this consent;

(h) The certified Culverts and Stream Hydraulic Design Report required by condition 7.2 of this consent.

**Commented [NZTA161]:** Already covered in condition suite. Unnecessary duplication.

11.3 The permanent culverts shall be inspected annually (or at an alternative frequency agreed to in writing by a Bay of Plenty Regional Council Regulatory Compliance Officer) to ensure that fish passage through the structure is maintained.

**Commented [NZTA162]:** Already covered in Condition 40. Unnecessary duplication.

11.4 The Consent Holder shall submit a schedule to BOPRC at each Stage of Work to identify locations of all culverts to be installed across the relevant Stage of Work.

11.5 All culvert works authorised under this Consent shall be constructed in accordance with the plans, design and reports ~~referenced in condition 11.1~~ submitted under ~~Condition 38.3~~ above.

The Consent Holder shall ensure compliance with the ~~NZ Fish Passage Guidelines, Version 2.0, 2024~~, including in relation to:

(a) Culvert design, when conveying flows of perennial streams or viable fish habitat exists upstream of the culvert; and

(b) Erosion protection in structures where passage is required under the ~~NZ Fish Passage Guidelines, Version 2.0, 2024~~.

The Consent Holder shall set the inverts and outlets of culverts a minimum of 50 mm and a maximum of 100mm below the streambed or overland flowpath, where the ~~NZ Fish Passage Guidelines, Version 2.0, 2024~~ do not apply.

11.6 Within 20 Working Days of completion of a culvert structure authorised by this Consent (including embankments, headwalls and erosion protection), the Consent Holder shall provide to BOPRC as-built plans prepared by a SQEP confirming that the culvert structure has been constructed in general accordance with the design certified under Condition ~~11.1~~ ~~38.3~~.

11.7 Whenever practicable, the installation of culverts shall be through an off-line construction

methodology. Where works must be undertaken in the stream channel (on-line construction methodology) the works shall be undertaken in a manner that minimises the time machinery is in the channel as far as practicable.

## 12. Permanent Diversion / Stream Realignment

12.1 Forty working days prior to undertaking any permanent diversion / stream realignment works the consent holder must submit the following to the Bay of Plenty Regional Council for written certification by an Environmental Engineer and / or a suitably qualified and experienced Freshwater Ecologist:

(a) Details of how the stream realignments will provide for fish passage, including:

1. The target species for fish passage design; and
2. How the New Zealand Fish Passage Guidelines (Franklin *et al.*, 2024) have been applied to the design and, where they have not, a justification as to why; and
3. Design details and features of the design that will enable the passage of the target species.

(b) As-built diagrams, certified by a Chartered Professional Geotechnical Engineer for any embankments installed as part of the permanent diversion of floodwaters to the Chief Executive within 20 Working Days of the completion of each individual embankment.

(c) Evidence to the Bay of Plenty Regional Council that the flood levels and extent outside of the Designation Boundary comply with conditions 13.1 and 13.2. Evidence shall include:

1. Scaled plans of existing Watercourses – plans and cross sections;
2. Scaled plans of proposed Watercourses – cross section, flood maps and hydraulic/hydrological calculations; and
3. Modelling of the channel sections.

(d) Hydrology, hydraulic calculations, hydraulic modelling, and scaled plans that clearly show existing Watercourses and proposed Watercourses with relevant elevations and cross-sectional areas to the Bay of Plenty Regional Council.

(e) A mitigation package, including an offsetting approach, for the loss of stream extent and values, which shall provide justification for the offsetting proposed, accounting for the risk of failure and time lags, and include detailed methods for success monitoring.

12.2 Stream realignments and diversions and ongoing monitoring and maintenance of the stream realignments and diversions shall be undertaken in general accordance with the Culverts and Stream Hydraulic Design Report certified under Condition 7.2 ~~38.3~~, the information required by condition 12.1 of this consent, the most recent certified version of the Stream Management and Monitoring Plan required by the conditions of RM25-0466-LC.01 and condition 16.12 of this consent.

12.3 The effective capacity of any permanent watercourse diversion shall be maintained at all times during construction and operation so that it operates in accordance with the design function.

12.4 The Consent Holder shall ensure that all works associated with the construction of embankments as part of the permanent diversion of floodwaters shall be supervised by a Chartered Professional Geotechnical Engineer.

12.5 The Consent Holder shall ensure, where practicable, that any stream diversion or realignment that connects to existing natural or modified streams is undertaken using off-line methods with the diverted or realigned channel livened only after full Stabilisation has been achieved in the new channel.

12.6 (a) The Consent Holder shall ensure that the stream banks are not damaged and their erosion resistance is not compromised by Construction Works. Should any damage occur, the stream banks shall be remediated as soon as is practicable.

**Commented [NZTA163]:** Already covered in Condition 27. Unnecessary duplication. See response 16.3 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA164]:** Oppose, unnecessary.

**Commented [NZTA165]:** Already covered in Conditions 36 and 38. Unnecessary duplication.

**Commented [NZTA166]:** This is Condition 36.3.

(b) Planting as a result of permanent stream diversions must be completed within 12 months of the diversion (see certified EMP required by RM25-0466-LC.01).

**Commented [NZTA167]:** Already covered in Condition 15. Unnecessary duplication.

12.7 Within 20 Working Days of completion of damming and diversion works, the Consent Holder shall submit to the Bay of Plenty Regional Council a schedule identifying the location, length, and purpose of the ephemeral flow path or streams where diversion activities have taken place.

**Commented [NZTA168]:** Oppose. Unnecessary.

12.8 The Consent Holder must ensure that the total length of Watercourses impacted by permanent diversion and / or realignment and culverting is no greater than 3500m, of which no more than 500m is culverting.

**Commented [NZTA169]:** Oppose, however see new Condition 27.1(b).

### 13. Flooding

13.1 The Consent Holder shall ensure that the Project does not increase flooding outside of the Designation Boundary, upstream of the Project for any flood event up to a 1 in 100-year ARI rainfall event.

13.2 The Consent Holder shall ensure that final downstream flooding effects, as a result of the Project are no greater than the effects identified in the Substantive Application and the Takitimu North Link Stage 2 Downstream Flood Effects Investigation dated 9 April 2025 unless written certification has been provided from all relevant affected parties.

**Commented [NZTA170]:** Oppose. Unnecessary.

### 14. Native Fish Capture and Relocation

14.1 Prior to the commencement of any instream works authorised by this consent, native fish salvage and relocation shall be carried out by a suitably qualified and experienced Freshwater Ecologist.

14.2 The consent holder shall:

(a) Ensure that native fish capture, transfer and release are undertaken in accordance with the certified Ecological Management Plan and the certified Aquatic Fauna Management and Monitoring Plan (AFMMP) required by the conditions of RM25-0466-LC.01.

(b) Keep a record of native fish captured, transferred and released for the duration of works and provide records to the Bay of Plenty Regional Council within 20 working days of completing the area of instream works.

**Commented [NZTA171]:** Oppose. Already covered in Condition 24. Unnecessary duplication.

### 15. ~~National Environmental Standards for Freshwater – Mandatory Conditions~~ Native Fauna and Fish Passage

15.1 Within 20 Working Days of construction of any culverts being completed, the consent holder must submit to the Bay of Plenty Regional Council the information required by regulations 62, 63 and 69 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, specifying the time and date the information was collected.

15.2 The Consent Holder shall ensure compliance with the 2024 New Zealand Fish Passage Guidelines, or subsequent guideline, including in relation to:

(a) Culvert design, when conveying flows of perennial streams or viable fish habitat exists upstream of the culvert; and

(b) Erosion protection in structures where passage is required under the 2024 New Zealand Fish Passage Guidelines.

**Commented [NZTA172]:** Oppose. Duplication, already covered in Condition 39. Unnecessary duplication.

15.3 The Consent Holder shall set the inverts and outlets of culverts a minimum of 50 mm and a maximum of 100mm below the streambed or overland flowpath, where the 2024 New Zealand Fish Passage Guidelines do not apply.

15.4 (a) Within 20 working days following the installation of each culvert structure, the consent holder must submit a Fish Passage Monitoring and Maintenance Plan (FPMMP) to the Bay of Plenty Regional Council in an electronic format (see Advice Notes) for certification that the objective of the FPMMP is met and that it includes the matters listed in (1) to (6). The objective of the FPMMP is to demonstrate how adverse effects on fish passage will be avoided and to ensure fish passage does not reduce over the lifetime of the culvert structure. The FPMMP shall include the following:

1. Measures that will enable the objective of the FPMMP to be achieved;
2. Methodology for monitoring and maintenance of the structure;
3. Programme and frequency of routine monitoring and maintenance;
4. Methods for record keeping of monitoring results (including photos);
5. Reporting requirements including the frequency of reporting to the Bay of Plenty Regional Council;
6. Procedures for updating the FPMMP and providing information to the Bay of Plenty Regional Council.

(b) Any updated versions of the FPMMP must be submitted for certification in accordance with this condition.

15.5 The culvert structures must be inspected within 10 working days following a natural hazard that has potential to affect the structure's provision for fish passage.

15.6 If any monitoring or visual inspection undertaken in accordance with the FPMMP identifies that fish passage has been reduced, or that the culvert structure(s) is damaged or requires maintenance, the consent holder must undertake maintenance and/or remediation works to the structure as soon as practicable to remedy the issues identified (see Advice Notes).

15.7 (a) The consent holder must maintain a record of:

1. All maintenance and remediation works for the culvert structure(s), including the date that the works commence, how long they take, and the date the works are completed (see Advice Notes); and
2. Details of all monitoring and maintenance works undertaken on the culvert structure in accordance with the FPMMP, including photos and evidence of any maintenance works undertaken.

(b) If requested, the consent holder must provide records to the Bay of Plenty Regional Council within 10 working days of the request.

15.8 Within 20 working days of any changes to the structure or details submitted in accordance with condition 70 as a result of routine monitoring and maintenance, or following a natural hazard that has potential to affect the culvert structure's provision for fish passage, the consent holder must provide:

1. Updated information in accordance with condition 15.7;
2. Any further measures required to ensure that the structure's provision for the passage of fish does not reduce over its lifetime; and
3. An updated FPMMP if required to address changes required by (a) and/or (b).

15.9 The consent holder shall ensure that erosion protection installed provides for fish passage, when discharging flows of perennial streams or where viable fish habitat exists upstream of the structure.

Within 20 Working Days of construction of any culverts being completed, the Consent Holder shall provide to BOPRC the information listed in the following Resource Management (National Environmental Standards for Freshwater) Regulations 2020:

- (a) Regulation 62(3) Requirements for all activities: information about structures and passage of fish;
- (b) Regulation 63(3) Requirement for culvert activities: information about culverts; and
- (c) Regulation 69(2) Condition of resource consent for activities: monitoring and maintenance.

The Consent Holder shall ensure that the structure(s) authorised by the Consent are maintained in

**Commented [NZTA173]: Oppose.** Duplication, already covered in Conditions 27, 38 and 39 and unnecessary detail.

**Commented [NZTA174]:** Already covered in Condition 5.5. Unnecessary duplication.

**Commented [NZTA175]: Oppose.** Already covered in Condition 40. Unnecessary duplication.

**Commented [NZTA176]:** Already covered in Condition 40.2. Unnecessary duplication.

**Commented [NZTA177]: Oppose.** Already covered in Condition 40. Unnecessary duplication.

good working order, and shall undertake any maintenance work as soon as practicable if so directed by BOPRC.

## 16. Inspections, maintenance, monitoring and reporting

16.1 Inspection of bridge structures authorised by this Consent must be conducted at least annually and a report submitted on their performance and condition at intervals of five and ten years following construction of bridge structures, with an additional inspection and report required following a Large Storm Event.

16.2 The Consent Holder shall ensure that the structures authorised by this Consent are maintained, and shall undertake any maintenance work as soon as practicable if so directed by BOPRC. The consent holder shall undertake any maintenance works within 72 hours of the maintenance works being identified as necessary where safe and reasonably practicable to do so, or within another timeframe if so directed by the Bay of Plenty Regional Council.

The Consent Holder shall forward a copy of maintenance records required by Conditions 41.1 and 41.2 to BOPRC upon a request from BOPRC.

### 16.3 The consent holder shall maintain a record of:

(a) All inspections undertaken; and

(b) All maintenance and remediation works undertaken, including the date the works commence, how long they take, the date the works are completed and evidence of maintenance and remedial works undertaken (see Advice Notes); and

(c) Records shall be provided to the Bay of Plenty Regional Council within 48 hours of a request.

16.4 (a) Any erosion or scour of stream channel or stream banks resulting from the structures authorised by this consent shall be effectively stabilised as soon as practicable, to the satisfaction of the Bay of Plenty Regional Council.

(b) The Consent Holder shall check during maintenance activities that erosion protection is maintained downstream of the discharge.

16.5 The consent holder shall ensure that all structures authorised by this consent (including structural integrity, approaches and any erosion protection works) are maintained in an effectively capacity at all times, particularly after storm events so that they can continue to operate in accordance with their designed function. Any damage to the structures authorised under this consent shall be repaired as soon as practicable.

16.6 The consent holder shall ensure that the temporary diversion structures are monitored and maintained in a safe and structurally sound condition and in good working order at all times.

16.7 The consent holder shall inspect the temporary diversion(s) within 24 hours following a 10% AEP (10 year return period event) or large occurring and undertake maintenance works as soon as safely practicable.

16.8 (a) The consent holder shall undertake an inspection of the bridges, abutments and erosion protection structures in accordance with the procedures set out in the current version of the Waka Kotahi Bridges and other significant structures inspection policy NZTA: S6 2022 (see Advice Notes), and following a 5% AEP (20 year return period) or larger storm event.

(b) The structures shall be inspected for debris build up, blockages, erosion and scour.

**Commented [NZTA178]:** Already covered in Condition 40.2. Unnecessary duplication.

**Commented [NZTA179]:** Already covered in Condition 40.3. Unnecessary duplication.

**Commented [NZTA180]:** Already covered in Conditions 36 and 10.6. Unnecessary duplication.

**Commented [NZTA181]:** Already covered in Condition 40.2. Unnecessary duplication.

(c) Where maintenance work is required, the consent holder shall undertake any maintenance work as soon as practically possible or within two working days of a request from the Bay of Plenty Regional Council.

**Commented [NZTA182]:** Already covered in Condition 40.1. Unnecessary duplication.

16.9 The consent holder shall ensure:

(a) Accumulated debris is regularly removed from in and around the bridge structures (including abutments and soffit) and erosion protection structures; and

(b) The bridges and associated structures shall be maintained at all times so that the structure(s) can operate in accordance with the conditions of this consent (see Advice Notes).

**Commented [NZTA183]:** Already covered in Condition 40. Unnecessary duplication.

16.10 All sediment and debris removed from the stream and/or structures authorised by this consent as a result of maintenance operations must be removed off-site to a facility authorised for the type and level of contaminants identified. Disposal dockets shall be kept for the duration of this consent, and provided to the Bay of Plenty Regional Council within 48 hours of a request.

**Commented [NZTA184]:** Oppose. Unnecessary.

16.11 Inspection of the culverts and permanent diversions authorised by this consent must be conducted at least annually and a report submitted on their performance and condition at intervals of five and ten years following construction, with an additional report required following a Large Storm Event if so directed by the Bay of Plenty Regional Council.

**Commented [NZTA185]:** Already covered in Condition 40.1. Unnecessary duplication.

16.12 (a) The Consent Holder shall undertake annual monitoring of realigned (constructed) stream channels for the first 10 years after construction.

(b) If monitoring undertaken in clause (a) identifies that ecological values have not been achieved as intended then the Consent Holder shall implement the mitigation actions identified in the Bay of Plenty Regional Council certified Stream Management and Monitoring Plan and as required under condition 26.1(d) of RM25-0466-LC.01.

**Commented [NZTA186]:** Oppose. See response 16.22 in Attachment 2 response to comments from Bay of Plenty Regional Council.

## 17 Review of Consent Conditions

17.1 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.

### Advice Notes

1. The bed of the river is defined as, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.

**Commented [NZTA187]:** Oppose. Unnecessary.

2. For condition 7.9 and 8.2, "stabilised" means inherently resistant to erosion or rendered resistant, such as by using indurated rock or by the application of basecourse, colluvium, grassing, mulch, or another method as specified in Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities, Guideline 2010/01. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative cover has been established.

**Commented [NZTA188]:** Oppose. Already covered in Definitions. Unnecessary duplication.

3. NZTA bridges and structures inspection policy (NZTA: S6 2022) can be found here:

<https://www.nzta.govt.nz/assets/resources/bridges-structures-inspection-policy/docs/bridges-structuresinspection-policy.pdf>

**Commented [NZTA189]:** Oppose. Unnecessary.

4. The Resource Management (National Environmental Standard for Freshwater) Regulations 2020, including the requirements of regulations 62 to 68 can be found here: <https://www.legislation.govt.nz/regulation/public/2020/0174/latest/LMS364298.html>

**Commented [NZTA190]:** Oppose. Unnecessary.

5. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). [Please include the consent number RM25-0466-BC.01.](#)

**RM25-0466-WT.01**

A resource consent:

- Under section 14(1)(a) of the Resource Management Act 1991 and Rule WQ R21 of the Regional Natural Resources Plan to undertake a discretionary activity being the permanent damming and diversion of groundwater; and
- Under section 14(1)(a) of the Resource Management Act 1991 and Regulation 45(4) of the National Environmental Standards for Freshwater to undertake a discretionary activity being the damming and diversion of groundwater, within or within 100 metres of a natural wetland associated with the construction of specified infrastructure; and
- Under section 14(1)(a) of the Resource Management Act 1991 and Regulation 47(3) of the National Environmental Standards for Freshwater to undertake a restricted discretionary activity being the damming and diversion of groundwater, within or within 100 metres of a natural wetland, associated with the operation and maintenance of specified infrastructure

subject to the following conditions:

1. Purpose

1.1 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 Takitimu North Link Stage 2.

**Commented [NZTA191]:** Already covered in Condition 1.1. Unnecessary duplication.

2. Location

2.1 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.

3. Consent Lapse and Expiry

3.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 35 years after the commencement of this consent.

(b) This consent shall lapse 20 years after the commencement of this consent.

4. Groundwater Drawdown

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

**Commented [NZTA192]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

4.2 Stage 1 of the GDMP shall include be provided to the Bay of Plenty Regional Council for written certification at least one year prior to construction starting for written certification by a suitably qualified and experienced environmental scientist and shall include:

**Commented [NZTA193]:** Oppose. Unnecessary.

(a) Identification of structures, groundwater bores and surface water resources potentially susceptible to groundwater drawdown effects;

(b) Specific locations for supplementary piezometer installations at neighbouring properties within identified potential groundwater drawdown locations, with proposed construction details (i.e. depth), groundwater drawdown locations and details (eg depth) of the installation of piezometers, to be installed prior to earthworks commencing if property owner approval is provided;

**Commented [NZTA194]:** Oppose. Unnecessary.

(c) Discussion on the development of a 3-dimensional numerical modelling of for assessment of groundwater drawdown at applicable locations;

**Commented [NZTA195]:** Oppose. Unnecessary.

(e) Pre-construction monitoring requirements to establish groundwater baseline readings;

(d) Frequency of testing and monitoring of the piezometers and groundwater drawdown locations and

neighbouring properties, and reporting requirements for this testing (pre-Construction Works and during Construction Works);

- (f) — Analysis of pre-construction testing and monitoring undertaken pursuant to (d) and (e), when complete, to determine trigger 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.

4.3 Stage 2 of the GDMP shall be provided to the Bay of Plenty Regional Council forty working days prior to construction commencing for written certification by a suitably qualified and experienced environmental scientist and shall include:

(a) Details on the piezometer installation and monitoring undertaken in the Stage 1 GDMP.

(b) Discussion on the findings from the 3-dimensional numerical model, following calibration to groundwater level monitoring collected in the Stage 1 GDMP.

(c) Establishment of alarm and alert trigger levels for groundwater level and settlement monitoring to be undertaken once construction commences.

(d) Physical mitigation measures to address potential building / structure settlement, groundwater bore interference and surface water resource depletion.

4.4 (a) Works to implement Stage 1 and / or Stage 2 of the GDMP must not commence until written certification from the Bay of Plenty Regional Council has been received.

(b) The consent holder shall review, and update if required, Stage 1 and / or Stage 2 of the GDMP on an annual basis for the duration of this consent. Any updates must be provided to the Bay of Plenty Regional Council for written certification prior to implementation.

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 42.2:

4.5 The Consent Holder shall implement the GDMP for the duration of this consent Construction Works.

## 5. Groundwater Damming and Diversions

5.1 All groundwater damming and diversion resulting from the proposal must be undertaken in accordance with the Resource Consent Application, the Groundwater Impact Assessment and the most recently certified version of the GDMP.

5.2 Any long-term monitoring must be undertaken in accordance with the GDMP.

5.3 Any physical mitigation measures must be implemented in accordance with the GDMP.

5.4 The consent holder shall provide an annual report to the Bay of Plenty Regional Council summarising groundwater drawdown, monitoring undertaken, physical mitigation measures implemented, by 30 June of each year for the duration of this consent.

## 6. Review of Consent Conditions

6.1 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.

**Commented [NZTA196]:** Oppose. Unnecessary. See response 16.32 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA197]:** Already covered in Condition 41.4, proposed condition does not provide sufficient flexibility.

**Commented [NZTA198]:** Already covered in Condition 41.4(e). Unnecessary duplication.

Advice Notes

1. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Please include the consent number RM25-0466-WT.01.

**Commented [NZTA199]:** Oppose. Unnecessary.

**RM25-0466-DC.02**

**A resource consent:**

- Under sections 9(2)(a) and 15(2A)(b) of the Resource Management Act 1991 and Rule DW R25 of the Bay of Plenty Regional Natural Resources Plan to undertake a restricted discretionary activity to disturb and remediate contaminated land and for associated discharges of contaminants to land that may enter water

subject to the following conditions:

**1. Purpose**

**1.1 This resource consent authorises and sets conditions associated with the disturbance and remediation of contaminated land and for the associated discharge of contaminants to land associated with the construction of the Takitimu North Link Stage 2.**

**2. Location**

2.1 The activities authorised by the this 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.

**3. Consent Lapse and Expiry**

**3.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 20 years after the commencement of this consent.**

**(b) This consent shall lapse 20 years after the commencement of this consent.**

**4. Detailed Site Investigation (DSI)**

The Consent Holder shall prepare a **Detailed Site Investigation** report (**DSI**) for each site identified as requiring a DSI in Tables A and B of Appendix 4 to these conditions. The purpose of the DSI report is to confirm the level of contamination at the PSI sites. The DSI shall be prepared in accordance with GLMG1 and GLMG5.

**4.1 (a) No less than 40 working days prior to any contaminated soil disturbance or remediation works the consent holder must submit a DSI report(s) to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced practitioner (SQEP) in soil contamination, for each site identified as requiring a DSI in Tables A and B of BOPRC Consent Appendix RM25-0466-04 to these conditions and the PSI.**

**(b) The purpose of the DSI report is to confirm the level of contamination at the PSI sites and assess what measures are required to appropriately manage contamination at those sites.**

**(c) The DSI must be prepared by a SQEP in soil contamination in accordance with the current edition of the Ministry for the Environment's "Contaminated Land Management Guidelines No. 5 – Site Investigation and Analysis of Soils" and "No. 1 – Reporting on Contaminated Sites in New Zealand".**

**(d) The DSIs must confirm the level of contamination compared to the most recent environmental and human health soil guideline values and determine what measures are required to appropriately manage or remediate the soil contamination recorded.**

**(e) Contaminated soil remediation must not commence until the consent holder has received written certification of the DSIs from the Bay of Plenty Regional Council. Certification of the DSI is to ensure that the DSI has been prepared in accordance with current edition of the Ministry for the Environment "Contaminated Land Management Guidelines No.5 – Site Investigation and Analysis of Soils". And "No.1 – Reporting on Contaminated Sites in New Zealand".**

**Commented [NZTA200]:** See response 16.31 on contaminated soil conditions in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA201]:** Already covered in Condition 1.1. Unnecessary duplication.

**Commented [NZTA202]:** Already covered in Condition 1.1. Unnecessary duplication.

**Commented [NZTA203]:** Oppose. Unnecessary and duplication, already covered in Condition 42.2.

**Commented [NZTA204]:** Oppose. Unnecessary.

**Commented [NZTA205]:** See response 16.11 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA206]:** Already covered in Conditions 42.1 and 43. Unnecessary duplication.

**Commented [NZTA207]:** Oppose. Unnecessary.

At least 40 Working Days before the start of contaminated land disturbance activities, the DSI shall be submitted to BOPRC for information.

#### 5. Contaminated Site Management Plan (CSMP)

The Consent Holder shall prepare a **Contaminated Site Management Plan (CSMP)**. The purpose of the CSMP is to identify contaminated sites within the Designation Boundary, and identify measures to manage potential risks from disturbance of contaminated soils to the health of workers and the environment:

5.1 (a) No less than 40 working days prior to any contaminated soil disturbance, the consent holder must submit a Contaminated Site Management Plan (CSMP) in writing, to the Bay of Plenty Regional Council for written certification by a SQEP in soil contamination.

**Commented [NZTA208]: Oppose.** Already covered in Condition 43.3. Unnecessary duplication.

(b) The CSMP must be prepared by a SQEP in soil contamination in accordance with the current edition of the Ministry for the Environment "No.1 – Reporting on Contaminated Sites in New Zealand".

**Commented [NZTA209]: Oppose.** Unnecessary.

(c) The CSMP must reflect the outcomes and recommendations in the Bay of Plenty Regional Council certified DSIs required by condition 4.1 of this consent.

**Commented [NZTA210]: Oppose.** Unnecessary.

(d) Contaminated soil remediation must not commence until the consent holder has received written certification of the CSMP from the Bay of Plenty Regional Council. Certification of the CSMP is to ensure the CSMP has been prepared in accordance with the current edition of the Ministry for the Environment's "Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand".

**Commented [NZTA211]: Oppose.** Already covered in Condition 43 and unnecessary.

(e) All contaminated soil disturbance shall be undertaken in accordance with the latest version of the CSMP certified by the Bay of Plenty Regional Council, except where modified by these consent conditions.

**Commented [NZTA212]: Oppose.** Unnecessary detail.

(f) Revisions to the CSMP shall only be for the purpose of improving the efficiency of the mitigation measures, complying with best practice guidelines and/or legislation, or maintaining the land subject to this consent. All revisions shall be in accordance with the conditions of this consent and provided to the Bay of Plenty Regional Council for certification prior to implementation.

**Commented [NZTA213]: Oppose.** Unnecessary.

The CSMP shall:

- (i) Identify sites where contamination is expected to be present, as identified in the DSI, including details on the type and extent of the contamination, and whether remediation is considered to be required.
- (j) Include site management protocols for management of contamination; including pre-Construction Works site set-up, soil excavation / disturbance procedures, soil reuse / management (procedures to reuse, place and cap unwanted topsoil that exceeds Clean Fill criteria), imported materials, groundwater procedures, health and safety procedures and measures for transport and disposal of contaminated soils, and ESC methodologies.
- (k) Include specific site management protocols for disturbance of any asbestos contaminated soils, including an Asbestos Removal Control Plan.
- (l) Where practicable, require all ESC measures to be installed prior to the commencement of the excavation of contaminated soils.
- (m) Set out measures for temporary stockpiling of excavated contaminated material, where temporary stockpiling cannot be avoided, to ensure as far as practicable that contaminants are effectively bundled and imperviously covered so as to prevent contaminants leaching into uncontaminated ground.
- (n) Include, where contaminated soil is to remain onsite, measures to ensure the contaminated soil remains in situ, as far as practicable, and ongoing survey

requirements subsequent to the completion of soil disturbance works to ensure that contaminated soil has not spread:

- (o) Include health and safety and environmental management procedures to be implemented (at locations where soil sampling has indicated that contamination is expected) during the Project Works, including but not limited to:
  1. Personal protection and monitoring;
  2. On-site soil management practices, including stockpile management and stormwater and sediment controls; and
  3. Off-site soil transport and disposal.
- (p) Include contingency measures to apply in the event of accidental/unexpected discovery of contaminated soils during Project Works to safely manage unexpected contamination;
- (q) Be prepared in accordance with the requirements of the CLMG1.

At least 30 Working Days before the start of contaminated land disturbance activities, the GSMP shall be submitted to BOPRC for certification that the GSMP satisfies the requirements of Condition 44.2. The Consent Holder shall implement the GSMP for the duration of Construction Works, with survey requirements extending beyond Construction Works, as determined by a SQEP.

#### 6. Remedial Action Plan (RAP)

If the GSMP identifies contaminated soils requiring remediation within the Designation Boundary, the Consent Holder shall prepare a **Remedial Action Plan (RAP)**. The purpose of the RAP is to identify a remedial strategy and controls to mitigate the risk posed by any contaminants identified in the GSMP.

6.1 (a) No less than 40 working days prior to any contaminated soil remediation, the consent holder must submit a Remediation Action Plan (RAP), in writing, to the Bay of Plenty Regional Council for written certification by a SQEP in soil contamination.

(b) The RAP must be prepared by a SQEP in soil contamination in accordance with the current edition of the Ministry for the Environment “No.1 – Reporting on Contaminated Sites in New Zealand.

(c) The RAP must reflect the outcomes and recommendations in the Bay of Plenty Regional Council certified DSIs required by condition 4.1 of this consent.

(d) Contaminated soil remediation must not commence until the consent holder has received written certification of the RAP from the Bay of Plenty Regional Council. Certification of the RAP is to ensure the RAP has been prepared in accordance with the current edition of the Ministry for the Environment “Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand”.

(e) All contaminated soil remediation shall be undertaken in accordance with the latest version of the RAP certified by the Bay of Plenty Regional Council except where modified by these consent conditions.

**Commented [NZTA214]:** Already covered in Condition 44. Unnecessary duplication.

**Commented [NZTA215]:** Already covered in Condition 44.2. Unnecessary duplication.

**Commented [NZTA216]:** Already covered in Condition 5.1. Unnecessary duplication.

**Commented [NZTA217]:** Oppose. Not necessary.

The RAP shall be prepared in accordance with the requirements of section 2.7 of the CLMG1.

The RAP shall include:

- (a) The remediation or management goal;
- (b) Remediation methodology, including rationale, with a clear and systematic outline plan of works;
- (c) Contingency measures if the remediation methodology fails to reach the remediation or management goal; and
- (d) Proposed site validation sampling plan and reporting.

At least 30 Working Days before the start of Project Works in an area identified in the CSMP, the RAP shall be submitted to BOPRC for certification that it satisfies the requirements of Conditions 45.2 and 45.3:

The certified RAP shall be implemented for the duration of the Project Works in the areas identified by the CSMP:

## 7. Soil Disturbance Works

7.1 Works authorised by this consent shall be in accordance with:

(a) The Substantive Application; and

(b) The DSI, CSMP and RAP certified in accordance with the conditions of this consent.

**Commented [NZTA218]:** Oppose. Already covered in condition suite.

## 8. Stormwater Management and Treatment

8.1 The consent holder shall ensure that all stormwater controls are designed and operated in accordance with the erosion and sediment control plan(s) and site specific erosion and sediment control plans required by the conditions of RM25-0466-LC.01.

**Commented [NZTA219]:** Oppose. Already covered in condition suite.

8.2 The consent holder shall ensure that the stormwater and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised (see Advice Notes).

**Commented [NZTA220]:** Oppose. Unclear.

8.3 The consent holder shall ensure that:

(a) The works area is effectively isolated; and

(b) Clean stormwater is diverted away from the works area.

**Commented [NZTA221]:** Already covered in Conditions 46.1-46.3. Unnecessary duplication.

8.4 (a) All potentially contaminated stormwater must be contained within the work area and discharge to ground soakage at the base of excavations.

**Commented [NZTA222]:** Already covered in Condition 46.1. Unnecessary duplication.

(b) Any stormwater encountered within the excavation area(s) requiring removal offsite shall be considered potentially contaminated and must be disposed of by a licenced liquid waste contractor to a location authorised to receive the type and level of contaminants identified.

(c) Written confirmation of the offsite disposal location shall be provided to the Bay of Plenty Regional Council prior to offsite disposal and disposal must not occur until the Bay of Plenty Regional Council has confirmed receipt of the information.

8.5 Except as provided for by condition 8.4(b), there shall be no off-site discharge of stormwater contaminated by the contaminated land disturbance authorised by this consent.

**Commented [NZTA223]:** Oppose. Unnecessary.

8.5 All exposed areas of the site shall be effectively stabilised as soon as practicable following contaminated land disturbance authorised by this consent (see Advice Notes).

**Commented [NZTA224]:** Already covered in Condition 10.6. Unnecessary duplication.

8.6 No vegetation, soil or other debris associated with works authorised by this consent shall be left in a position where the material could become mobile by stormwater during heavy rainfall.

**Commented [NZTA225]:** Already covered in Conditions 9.2(g) and (h) and 43.2(e) and (f). Unnecessary duplication.

## 9. Soil Stockpiles

9.1 Temporary stockpiling of excavated contaminated material must be avoided, where practicable. If temporary stockpiles are necessary, they shall be:

(a) located in a designated area;

(b) covered with a heavy-duty plastic, such as high-density polythene;

(c) located on an impermeable surface (e.g., concrete or tarmac hardstand, heavy duty plastic);

(d) bunded to contain all contaminants; and

(e) removed within eight weeks.

**Commented [NZTA226]:** Already covered in Condition 43.2(e) and (f) and unnecessary detail.

## 10. Dust Control

The consent holder shall ensure that dust is managed in accordance with the Construction Air Quality Management Plan (CAQMP) required by RM25-0466-LC.01, the and the Chemical Treatment Management Plan (CTMP) required by RM25-0466-LC.01.

**Commented [NZTA227]:** Oppose. Unnecessary duplication.

## 11. Importation of Soil and the Disposal of Contaminated Soil Offsite

11.1 Any contaminated soil or material transported offsite must be disposed of at a location or facility consented to receive the type and level of contaminants identified.

**Commented [NZTA228]:** Oppose. Unnecessary

11.2 The consent holder shall obtain and keep transport and/or disposal dockets for all contaminated soils and / or material transported offsite. These dockets shall be made available to Bay of Plenty Regional Council within three working days of a request.

**Commented [NZTA229]:** Oppose. Unnecessary and duplicative, already covered in Condition 43.2(g)3.

11.3 Importation of Soil Onsite: The consent holder shall ensure that any imported fill is classified as 'clean fill material' as defined by the waste acceptance criteria for Class 5 Clean Fill in the WasteMINZ 'Technical Guidelines for Disposal to Land – Revision 3.1' (2023) (see Advice Notes).

**Commented [NZTA230]:** Already covered in Condition 10.9. Unnecessary duplication.

## 12. Site Management

12.1 The consent holder shall ensure that there is no tracking of contaminated soil or material off-site.

**Commented [NZTA231]:** Already covered in Condition 9.2(e). Unnecessary duplication.

## 13. Unexpected Contamination

13.1 (a) If unexpected contamination is discovered that has not been previously identified, through the presence of soil staining, odour, uncharacterised fill, construction and demolition waste, the consent holder shall immediately cease work in the vicinity of the unexpected contamination and shall notify the Bay of Plenty Regional Council (in writing) within 24 hours (see Advice Notes).

(b) The consent holder shall engage a suitably qualified and experienced practitioner (SQEP) in site contamination to prepare a plan to test and manage the previously unidentified contaminated material in accordance with the current version of the Ministry for the Environment 'Contaminated Land Management Guidelines No.5 - Site Investigation'.

(c) Should the discovery of unexpected contamination result in a change in the proposed management or remediation methodology, the CSMP or RAP must be updated in accordance with the current version of the Ministry for the Environment 'Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand'.

(d) The plans required by (b) and (c) must be submitted to the Bay of Plenty Regional Council for certification by SQEP in site contamination for confirmation that the requirements of (b) and (c) (as relevant) are met.

(e) Contaminated soils and material referred to in (a) must not be disturbed until certification has been received in accordance with (d) and further work must be undertaken in accordance with the certified plan and CSMP or RAP (see Advice Note).

**Commented [NZTA232]:** Oppose. Unnecessary detail, separate management plan is unnecessary and duplicative, already covered by Condition 43.2(h).

#### 14. Asbestos Contaminated Soil Disturbance

14.1 (a) Prior to disturbance of any asbestos contaminated soils (>1% ACM and/or >0.01% FA/AF) at the site, the consent holder shall engage the services of a person holding a Class A or B asbestos removal licence (the Removalist), granted under regulation 64 of the Health and Safety at Work (Asbestos) Regulations 2016, to prepare an Asbestos Removal Control Plan (ARCP).

(b) The ARCP shall be submitted to the Bay of Plenty Regional Council for certification at least five (5) working days prior to soil disturbance works commencing on site.

(c) At a minimum the ARCP shall include the following:

1. Confirmation of the licensed asbestos assessor, the Removalist's license class and licence number.
2. Contact details of the licensed asbestos assessor and persons supervising asbestos removal.
3. A site plan identifying:
  - i. The asbestos removal and works area;
  - ii. The air monitoring points;
  - iii. Works area entrance and exit points;
  - iv. Any asbestos waste storage areas;
  - v. Any decontamination areas;
  - vi. Details of the means of transport and disposal of the asbestos waste; and
  - vii. The proposed removal and completion date.

(d) Certification is limited to ensuring the ARCP complies with the WorkSafe Approved Code of Practice for the Management and Removal of Asbestos (November 2016) and is completed in general accordance with Appendix H, Part A.

14.2 The consent holder shall engage a Licensed Asbestos Assessor to undertake asbestos air monitoring prior to, and during the remediation of asbestos contaminated soils.

14.3 If the asbestos air monitoring results exceed the trigger level of 0.01 fibres/ml, the consent holder shall:

(a) Cease works and may only resume works when controls have been implemented in accordance with the Remedial Action Plan certified in accordance with the RAP certified in accordance with condition 6.1 and the Asbestos Removal Control Plan certified in accordance with condition 24 to ensure the trigger level is not exceeded.

(b) Notify Bay of Plenty Regional Council (in writing) of the exceedance as soon as practicable, and no later than 24 hours from receipt of the results.

14.4 (a) The consent holder shall avoid temporary stockpiling of asbestos contaminated soils, where practicable.

(b) The consent holder shall ensure that any temporary stockpiling of asbestos contaminated soils, if required, are placed in a designated stockpile area in a 200 microgram heavy-gauge polythene lined bin with a fixed lid or within purposed-designed hazardous waste bags which are securely fastened.

(c) Temporary stockpiling of asbestos contaminated soil shall be for no longer than three (3) working days.

**Commented [NZTA233]:** Already covered by Condition 43.2(c). Unnecessary duplication.

## 15. Site Validation Report

Following completion of Project Works in an area to which a RAP applies, the Consent Holder shall prepare a **Site Validation Report (SVR)**. The purpose of the SVR is to validate that the objectives of the RAP have been achieved:

15.1 Within two months of the completion of site remediation, in accordance with the RAP required by condition 6.1, a Site Validation Report (SVR) shall be submitted to the Bay of Plenty Regional Council for written certification by a SQEP in site contamination that the requirements of this condition have been met. The SVR shall be prepared by a SQEP in site contamination in accordance with the current edition of the Ministry for the Environment 'Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand'. The SVR shall address the following:

(a) A summary of the works undertaken;

**Commented [NZTA234]:** Already covered in Condition 45. Unnecessary duplication.

(b) The locations and dimensions of the excavations carried out, including a site plan and a survey of where any contaminated soil is to remain on site;

**Commented [NZTA235]:** Already covered in Condition 45.3(a)-(e). Unnecessary duplication.

(c) Records of the asbestos air monitoring undertaken in accordance with condition 14.2 and the Licensed Asbestos Assessor's clearance certificate of the Class A or B Licensed Asbestos Removal Work (see Advice Note), if applicable;

**Commented [NZTA236]:** Already covered in Condition 45.3(a). Unnecessary duplication.

(d) Details and results of soil sampling and validation sampling, and interpretation of the results;

**Commented [NZTA237]:** Oppose. Unnecessary.

(e) Records of any unexpected contamination encountered during the works and response actions, if applicable;

**Commented [NZTA238]:** Already covered in Condition 45.3(b) and (c). Unnecessary duplication.

(f) Volume of soil removed from the works area and the disposal location(s) and documentation relating to the transportation of soil disposed of off-site;

(g) Volume of material imported to the works area (if required), including certification documentation;

**Commented [NZTA239]:** Already covered in Condition 45.3(d). Unnecessary duplication.

(h) Details regarding any complaints and/or breaches of the procedures set out in the RAP and the conditions of this consent; and

(i) A statement certifying that all works have been carried out in accordance with the requirements of the consent and the RAP certified in accordance with condition 6.1.

**Commented [NZTA240]:** Oppose. Unnecessary.

2.2 The SVR shall be prepared in accordance with the requirements of section 2.8 of CLM01.

2.3 The SVR shall include:

- (a) The location and dimensions of the excavations (of contaminated soils) carried out, including a relevant site plan, and records of where any contaminated soil is to remain on site;
- (b) Records of any unexpected contamination encountered during the Project Works;
- (c) Soil sampling / validation results where remediation has been carried

- out or where unexpected contamination has been encountered;
- (d) Copies of the disposal dockets for the material removed from the Designation Boundary and any clean fill imported onto the Designation Boundary; and
  - (e) The requirements for ongoing monitoring and management (if any contamination is contained within the Designation Boundary);

Within two months of completion of Construction Works in an area to which a RAP applies, the SVR shall be submitted to BOPRC for certification that it satisfies the requirements of Conditions 46.2 and 46.3:

#### 16. Works Completion Report

16.1 Within two months of completion of the contaminated land disturbance works authorised by this consent, the consent holder shall submit a Works Completion Report (WCR) to the Bay of Plenty Regional Council for written certification by a SQEP in soil contamination that the requirements of this condition have been met. The WCR shall be prepared by a SQEP in soil contamination in accordance with the current edition of the Ministry for the Environment 'Contaminated Land Management Guidelines No. 1 - Reporting on Contaminated Sites in New Zealand'. The WCR shall contain the following information:

- (a) A summary of the land disturbance works undertaken.
- (b) The location and dimensions of the excavations carried out, including a site plan showing these details.
- (c) Records of any unexpected contamination encountered during the works, if applicable.
- (d) Volume and location of material disposed of offsite, copies of the disposal dockets for the material removed from the site, and cleanfill imported onto the site.
- (e) As applicable, a summary of any sampling undertaken, validation soil sampling, and unexpected contaminated material sampling, tabulated analytical results, and interpretation of the results.
- (f) A statement certifying that all works have been carried out in accordance with the requirements of this consent.

#### 17. Contaminated Soil Remaining Onsite

17.1 If contaminated soil is to remain on site, the consent holder shall submit to an Ongoing Monitoring and Management Plan (OMMP) to the Bay of Plenty Regional Council for written certification by a SQEP in site contamination, within <two months> after the completion of remedial works. The OMMP shall be prepared by a SQEP in site contamination and in general accordance with Ministry for the Environment's Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Site in New Zealand. Certification is for the purpose of confirming the requirements of this condition are met.

17.2 (a) Where contaminated soil is to remain on site, the area shall be surveyed following the completion of soil disturbance works authorised by this consent. Survey information shall be included within the OMMP required in condition 17.1.

(b) A geotextile fabric shall be placed over the surface of all contaminated soil that remains on site; and

(c) Either:

1. A layer of cleanfill shall be placed over the geotextile fabric to a minimum depth of 500mm to allow plants to stabilise; or
2. Contaminated soil shall be capped by hardcover materials (e.g., driveways, pavements, structures).

Commented [NZTA241]: Oppose. Unclear and duplication.

Commented [NZTA242]: Oppose. Separate management plan not necessary and duplicative, already covered in Condition 45.3(e).

## 18. Soil Sampling and Analysis

18.1 All soil sampling completed as part of this consent shall be overseen by a SQEP in site contamination, in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils and the New Zealand Guidelines for Assessing and Managing Asbestos in Soil (BRANZ).

18.2 All soil analysis required by this consent shall be undertaken by an IANZ accredited laboratory.

**Commented [NZTA243]:** Oppose. Not necessary.

## 19. Review of Consent Conditions

19.1 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.

### 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.

**Commented [NZTA244]:** Already covered in Advice Note 1. Unnecessary duplication.

2. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Include the consent number RM25-0466-DC.02.

**Commented [NZTA245]:** Oppose. Covered by the condition suite.

3. The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.

4. Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.

**Commented [NZTA246]:** Oppose. Unnecessary.

5. Clean fill material as defined by the waste acceptance criteria for Class 5 Clean Fill in the WasteMINZ 'Technical Guidelines for Disposal to Land' Revision 3.1 (2023) is material that is:

(a) Virgin excavated natural materials (VENM) such as clay, soil, rock and sand that are free of combustible, putrescible, degradable or leachable components; and

(b) Maximum incidental inert materials (e.g., concrete, brick, tiles) are no more than 5% by volume per load; and

(c) Maximum incidental or attached biodegradable materials (e.g., vegetation) are no more than 2% by volume per load; and

(d) Maximum chemical contaminant limits accepted by the regulatory authority to be the background concentration for VEMN within the intended catchment of the site.

**Commented [NZTA247]:** Oppose. Unnecessary detail and duplication, already covered in Definitions.

6. 'Stabilised' in relation to any site or area, means inherently resistant to erosion or rendered resistant, such as by grassing, mulching, or another method to the reasonable satisfaction of the Bay of Plenty Regional Council and as specified in Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities, Guideline 2010/01. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative cover has been established.

**Commented [NZTA248]:** Oppose. Unnecessary and duplication, already covered in Definitions.

7. Information provided in the Site Validation Report (SVR) will be used, if required, to re-classify the site on the Bay of Plenty Regional Council Selected Land Use Register.

8. Air monitoring records required in the SVR should be provided in a clearance certificate completed by the licensed asbestos assessor in accordance with the current version of WorkSafe New Zealand's 'Approved Code of Practice for the Management and Removal of Asbestos'.

9. The resource consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with resource management legislation.

10. This consent is granted under the Resource Management 1991, and is not an authority under any other act, regulation or bylaw.

**Commented [NZTA249]:** Oppose. Unnecessary.

## RM25-0466-DC.01

A resource consent:

subject to the following conditions:

### 1. Purpose

1.1 The purpose of this consent is to authorise and set conditions for:

(a) The temporary discharge of sediment contaminated stormwater and dewatering fluid to land, to water or to land where it may enter water.

(b) The discharge of chemical flocculants during earthworks.

(c) The discharge of cement to groundwater during piling

associated with the construction of the Takitimu North Link Stage 2.

### 2. Consent lapse and expiry

2.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 20 years after the commencement of this consent

(b) This consent shall lapse 20 years after the commencement of this consent.

### 3. Location

3.1 The activities authorised by the ~~this~~ 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.~~

### 4. Review of consent conditions

4.1 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.

~~The Consent Holder shall ensure that potentially contaminated stormwater from an area of contaminated soil disturbance is contained within the works area and discharged to ground soakage at the base of excavations:~~

~~The Consent Holder shall ensure that all visible contaminated surface and ground water discharge is directed to ESC devices:~~

~~The Consent Holder shall divert uncontaminated catchment runoff away from the area of earthworks and any stockpiled soils:~~

### 5. Temporary Discharge Management and Treatment

5.1 All discharges generated on site shall be treated before being discharged to land, to water or to land where it may enter water in accordance with the following:

1. The Substantive Application; and

2. The Erosion and Sediment Control Plan(s) and Site Specific Erosion and Sediment Control Plans required by the conditions of RM25-0466-LC.01; and

3. The Chemical Treatment Management Plan required by condition 6.1 of this consent; and

**Commented [NZTA250]:** Already covered in Condition 1.1. Unnecessary duplication.

4. The dewatering management plan required by condition 7.1 of this consent; and

5. The Construction Management plan required by the conditions of RM25-0466-LC.01; and

6. The Ecological Management Plan, including the Marine Monitoring Plan, the Wetland Management Plan and the Stream management and Monitoring Plan required by the conditions of RM25-0466-LC.01.

5.2 The discharge of sediment contaminated stormwater during the winter period (1 June to 15 September (inclusive)) shall only occur when:

(a) A winter earthworks management plan has been certified in writing by a Bay of Plenty Regional Council environmental engineer for the given year in accordance with RM25-0466-LC.01; and

(b) On-site storage equivalent to a 24 hour 1% Annual Exceedance Probability (AEP) storm event, or a suitable alternative certified by a Bay of Plenty Regional Council environmental engineer, is provided (see Advice Notes).

5.3 Discharges shall be substantially free of floatable solids, oil and grease.

5.4 (a) The concentration of Total Suspended Solids (TSS) in the stormwater discharge from any sediment retention device shall not exceed 150 grams per cubic metre; and

(b) The turbidity of any stormwater discharge from any sediment retention device shall not exceed 300 nephelometric turbidity units (NTU).

(c) The discharge shall cease if the limits in 5.2 and 6.4 are exceeded except:

1. Between 16 September and 31 May (inclusive) where a 12 hour duration 50% AEP storm event (2 year return period storm) or greater occurs; or

2. Between 1 June and 15 September (inclusive) where a 24 hour 1% AEP storm event (100 year return period storm) or greater occurs.

5.4 (a) The consent holder shall sample the discharge at the outlets of all sediment retention devices once between 16 September to 30 April (inclusive) and once between 1 June to 15 September (inclusive) of every year for the duration of this consent, and as soon as practicable if requested by the Bay of Plenty Regional Council.

(b) If any water quality results exceed the maximum concentrations listed in condition 5.2 and 6.4, the consent holder must:

1. Cease the discharge as soon as practicable after receiving the test results and/or upon request from the Bay of Plenty Regional Council; and

2. Notify (in writing) the Bay of Plenty Regional Council within 24 hours of receiving the results of any exceedances; and

3. Investigate the causes of any exceedance(s); and

4. Take corrective action to address the exceedance(s); and

5. Re-test the discharge for TSS, NTU and pH after implementing corrective action; and

6. Send a report detailing points (1), (3), (4) and (5) to the Bay of Plenty Regional Council within 10 working days or receiving the test results.

(c) The consent holder shall keep all test results required by this condition for the duration of this consent and shall provide them to the Bay of Plenty Regional Council within five working days of a request.

**Commented [NZTA251]:** Oppose. Unnecessary and already covered in condition suite.

**Commented [NZTA252]:** Already covered in Condition 20. Unnecessary duplication.

**Commented [NZTA253]:** Already covered by Condition 47. Unnecessary duplication.

**Commented [NZTA254]:** Oppose. Unnecessary detail and already covered in Condition 9. See response 16.7 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA255]:** Oppose. Unnecessary detail and already covered in Condition 9.

5.5 Any accidental discharge of sediment to the coastal marine area must be managed in accordance with the mitigation and/or response measures set out in the most recently certified version of the Marine Monitoring Plan required by the conditions of RM25-0466-LC.01.

5.6 Ecological and water quality monitoring must be undertaken in accordance with the Stream Management and Monitoring Plan (SMMP) required by the conditions of RM25-0466-LC.01.

**Commented [NZTA256]:** Already covered by condition suite. Unnecessary duplication.

5.7 The Consent Holder shall ensure that no discharge resulting from the exercise of this Consent shall result in any of the following at a point 50 metres downstream of discharge after reasonable mixing:

- (a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) Any conspicuous change in the colour or visual clarity;
- (c) Emission of objectionable odour;

Any significant adverse effect on aquatic life;

- (d) The natural temperature of water being changed by more than three degrees celsius; and

~~Aquatic organisms being rendered unsuitable for human consumption by the presence of contaminants.~~

~~Discharging Contaminants to Water~~

~~The Consent Holder shall ensure that all sediment laden runoff from the site is treated by sediment retention structures. These structures are to be fully operational before bulk earthworks commence and shall be maintained by the Consent Holder to perform at least at 80% of their operational capacity.~~

#### 6 Use of Chemical Flocculants

6.1 Prior to using chemical flocculants on site to manage sediment laden stormwater in the sediment retention ponds (SRPs) or decanting earth bunds (DEBs), the consent holder shall submit to the Bay of Plenty Regional Council a Chemical Treatment Management Plan (CTMP) for written certification by an environmental engineer that the requirements of this condition are met and that the methods and procedures enable compliance with the conditions of this consent.

**Commented [NZTA257]:** Already covered in Condition 17. Unnecessary duplication.

6.2 The CTMP shall include:

(a) The protocols and procedures for bench testing to determine which ESC measures will benefit from the use of flocculants, including the effectiveness, suitability and optimal rates of application of the specific flocculant proposed to be applied (including assumptions);

(b) If the analysis in (a) indicates that chemical treatment will enhance the efficiency of SRPs and/or DEBs; ~~sediment retention ponds and / or decanting earth bunds:~~

1. The chemical flocculant to be used (see condition X and Advice Notes); and
2. Specific design details including methodology and timing of application of the flocculant system; and
3. Details of the chemical treatment and application methodology, including calculations, dilution and structures; and
4. Chemical storage location, including location of any water bodies; and
5. A spill management plan, including details on equipment to be kept on site to deal with any accidental spills; and

**Commented [NZTA258]:** Already covered in Condition 17.2(b)1. Unnecessary duplication.

**Commented [NZTA259]:** Already covered in Condition 17.2(b)2. Unnecessary duplication.

**Commented [NZTA260]:** Already covered in Condition 17.2(b)3. Unnecessary duplication.

**Commented [NZTA261]:** Already covered in Condition 17.2(b)4. Unnecessary duplication.

**Commented [NZTA262]: Oppose.** Already covered in Condition 17.2.(b)6. Unnecessary duplication.

6. Details of the person that will hold responsibility for the operation and maintenance of the chemical treatment system.

**Commented [NZTA263]:** Already covered in 17.2(b)6.iv. Unnecessary duplication.

(c) Chemical flocculants must be used and stored in accordance with the most recently certified CTMP.

**Commented [NZTA264]:** Oppose. Unnecessary.

(d) The CTMP must be reviewed and updated, if required, at least once a year for the duration of this consent.

**Commented [NZTA265]:** Oppose. Unnecessary and already covered in Condition 5.5.

(e) The Consent Holder may prepare the CTMP in parts to address specific activities or to reflect the staged implementation of Project Works.

**Commented [NZTA266]:** Oppose. Unnecessary.

(e) Any updates to the CTMP, including change in chemical flocculants to be used, must be submitted to the Bay of Plenty Regional Council for written certification prior to implementation on site.

**Commented [NZTA267]:** Already covered in Conditions 5.1 and 5.5. Unnecessary duplication.

6.3 Use of chemical flocculants is limited to the following (see Advice Notes):

- (a) Cyndan Flocculent;
- (b) Liqui-Floc;
- (c) HY-CLOR SUPER-FLOC;
- (d) Cirtex® PAC;
- (e) Crystalfloc;
- (f) XOM Liquipac;
- (g) Chemiclear; and
- (h) Bond-Fast.

**Commented [NZTA268]:** Oppose. Unnecessary detail.

6.4 Stormwater discharges from any SRP / DEB treated with chemical flocculants shall have a pH between 6.0 to 8.0 (inclusive).

**Commented [NZTA269]:** Oppose. Unnecessary detail and already addressed in Condition 17.2(b)5.

## 7. Dewatering Fluid Management and Treatment

7.1 (a) Prior to undertaking any dewatering the consent holder shall submit a dewatering management plan to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced person (see conditions 6.1 to 6.7 of RM25-0466-LC.01 for written certification requirements). This plan shall include the following:

1. Location(s) where dewatering is required; and
2. Proposed treatment methodology, including details on testing / sampling; and
3. Contaminants and limits; and
4. Details on rate of take and rate of discharge and discharge location(s); and
5. Details on annual volume of water taken per dewatering site.

(b) Dewatering must not commence until written certification has been received from the Bay of Plenty Regional Council.

(c) All dewatering activities must be undertaken in accordance with the most recently certified version of the dewatering management plan.

7.2 (a) The consent holder shall ensure that dewatering fluid is discharged, following treatment, in accordance with the dewatering management plan required by condition 21.

(b) If the dewatering fluid is disposed of at an off-site facility, then written confirmation of the disposal location must be provided to the Bay of Plenty Regional Council prior to disposal.

**Commented [NZTA270]:** Oppose. Unnecessary management plan and already covered in Conditions 9 and 41.

7.3 Dewatering fluid shall be substantially free of:

1. Floatable solids, oil and grease;

2. Separate petroleum hydrocarbons and hydrocarbon sheen;

### 3. Total Suspended Solids.

7.4 (a) Dewatering fluid shall be treated as contaminated and the consent holder shall undertake testing / sampling of the dewatering fluid prior to the point of discharge to the receiving environment in accordance with the dewatering management plan required by condition 22 and shall ensure that all testing / sampling is overseen by a suitably qualified and experienced practitioner.

(b) Where practicable, the site shall be effectively isolated, so that all potentially contaminated groundwater is contained within the work area(s) and discharged to ground soakage.

7.5 a) The consent holder shall ensure that no dewatering fluid is discharged directly to any surface water bodies / to land where it may result in overland flow and discharge to surface water.

(b) The consent holder shall ensure that dewatering fluid is discharged to the discharge location(s) identified in the dewatering management plan required by condition 7.1.

7.6 Any water quality results exceeding the limits outlined in the dewatering management plan shall trigger the following:

(a) Discharge to cease as soon as practicable after receiving test results and/or upon request from the Bay of Plenty Regional Council; and

(b) Notify, in writing, the Bay of Plenty Regional Council within 24 hours of receiving the results of an exceedance; and

(c) Re-test the discharge for the contaminants listed in the dewatering management plan after implementation of corrective action (re-treatment) or dispose of via a liquid waste contractor; and

(d) Discharge can commence once the water quality limits no longer exceed the maximum concentrations listed in the detailed dewatering methodology; and

(e) the consent holder shall keep all test / sample results required by this condition, for the duration of this consent) and shall send them to the Bay of Plenty Regional Council within five working days of a request.

### 8. Discharge of Cement to Groundwater

8.1 (a) The consent holder shall ensure that all cement is discharged in accordance with the methodology outlined in the Final Construction Execution Procedure required by condition 5 of RM25-0466-LC.02.

(b) No cement shall be discharge to a surface waterbody, land where it may enter water or to the erosion and sediment controls during works.

(c) The consent holder shall ensure that the cement discharged is managed in accordance with the conditions of RM25-0466-BC.01 and the site specific erosion and sediment control plans(s) required by conditions 11.1 and 11.2 of RM25-0466-LC.01.

### 9. Discharge Analyses

9.1 Analyses required by these conditions shall be carried out:

(a) In accordance with the AS/NZS 5667.1.1991 Water Quality Sampling or any subsequent or replacement guideline; and/or

(b) In accordance with the Guidelines for Assessing and Managing Hydrocarbon Contaminated Sites in New Zealand (Ministry for the Environment 2011; and / or

**Commented [NZTA271]:** Already covered in Conditions 9. Unnecessary duplication.

**Commented [NZTA272]:** Already covered in Condition 9. Unnecessary duplication.

**Commented [NZTA273]:** Oppose. Already covered in condition suite.

**Commented [NZTA274]:** Already covered in Condition 8.2. Unnecessary duplication. See response 16.27 in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA275]:** Oppose. Unclear.

(c) As set out in the latest edition of “Standard Methods for the Examination of Water and Wastewater” – APHA – AWWA – WPCF, or another method as proposed by the consent holder and certified in writing by the Bay of Plenty Regional Council; and

(d) By an IANZ accredited laboratory.

#### Advice Notes

1. The following could be used periodically to instantaneously check if devices are likely to be within TSS and NTU discharge limits:

- (a) Test for 100 millimetre clarity (at the decant outlets from the devices).
- (b) Turbidity meter.
- (c) Secchi disk.

This does not preclude the requirement for sampling, but if these measures are met, TSS and NTU are likely to be within the discharge limits specified in condition 5.4

**Commented [NZTA276]:** Oppose. Unnecessary.

2. (a) The environmental effects of the chemical flocculants listed in condition 6.3 have been assessed and are approved for use by the Bay of Plenty Regional Council.

(b) Although these products have undergone a technical review in relation to their environmental effects, this does not equate to a recommendation or a commercial endorsement by the Bay of Plenty Regional Council.

(c) Any alternative chemical flocculant will require a variation to the conditions of this consent so that the effects of its use can be assessed.

**Commented [NZTA277]:** Oppose. Unnecessary detail and already covered in Condition 17.

5. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Please include the consent number **RM25-0466-DC.01**.

### RM25-0466-DC.03

A resource consent:

- Under section 15(1) of the Resource Management Act 1991 and Regulation 47(3A) of the National Environmental Standards for Freshwater to undertake a restricted discretionary activity to discharge stormwater into water within or within a 100 metre setback from a wetland for the purpose of operating or maintaining specified infrastructure; and
- Under section 15(1) of the Resource Management Act 1991 and Rule DW R8 of the Regional Natural Resources Plan to undertake a discretionary activity to discharge stormwater to water or onto or into and where it may enter water from the Takitimu North Link Stage 2

subject to the following conditions:

#### 1. Purpose

1.1 The purpose of this resource consent is to authorise and set conditions for the permanent discharge of stormwater from the Takitimu North Link Stage 2 to surface water or to land where it may enter surface water.

#### 2. Consent lapse and expiry

2.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 35 years after the date of the commencement of this consent.

(b) This consent shall lapse 20 years after the commencement of this consent.

**Commented [NZTA278]:** Already covered in Condition 1.1. Unnecessary duplication.

#### 3. Location

3.1 The activities authorised by the this 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.~~

#### 4. Review of consent conditions

4.1 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.

#### 5. Stormwater Management

5.1 The Consent Holder shall prepare a **Stormwater Operation and Maintenance Plan (SOMP)** for the permanent stormwater management system. The purpose of the SOMP is to outline the operation and maintenance requirements to ensure the permanent stormwater management system achieves the standards to which the system was designed and constructed. The designs shall be based on the NZTA document "*Stormwater Treatment Standard for State Highway Infrastructure*" (2010).

5.2 The SOMP shall include:

(a) A programme for regular monitoring and inspection of the stormwater management system including details of monitoring, sample locations, and inspection frequency. Where representative samples are collected they must be analysed for Total Suspended Solids (TSS), Total Petroleum Hydrocarbons, Copper, Lead and Zinc; and

**Commented [NZTA279]:** Oppose. Unnecessary. See response 16.29 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(b) A programme for the regular collection and disposal of debris and sediment collected by the stormwater management devices to ensure that the attenuation volumes are not compromised and that appropriate contaminant removal procedures are established; **and**

(c) Inspection checklists for all aspects of the stormwater management system including monitoring and maintenance of all stormwater attenuation facilities, stormwater treatment and attenuation wetlands, stormwater treatment wetlands, swales and all inlet and outlet structures; **and**

**(d) A programme for regular monitoring of the stormwater receiving environments, including the recommendations in the Ecological Effects Assessment, details for sediment and water quality sampling, monitoring parameters, frequency and locations; and**

**(e) Details for determining the zones of reasonable mixing, which will inform the receiving environment monitoring locations; and**

(f) ——— Trigger levels whereby exceedances require the implementation of Condition 52.3;

(f) Details of who will be responsible for operation and maintenance works; and

(g) Details of recording and reporting of operation and maintenance activities.

**5.3 The preparation of the SOMP shall be undertaken by a suitably qualified and experienced professional.**

5.4 **At least** The consent holder shall submit the SOMP to the Bay of Plenty Regional Council for written certification by a suitably qualified and experienced professional, 40 Working Days before the start of Construction Works prior to the start of construction on the stormwater management system. **Written certification shall be to certify the SOMP and ensure compliance with the conditions of this consent;** the SOMP shall be submitted to BOPRC for certification that the SOMP satisfies the requirements of Condition 49.2.

5.5 (a) The Consent Holder shall implement the SOMP for the duration of this Consent.

**(b) The consent holder shall review and update the SOMP, if required, annually for the duration of this consent.**

## 6. Final Stormwater Design

6.1 (a) The Consent Holder shall submit to BOPRC for written certification at least 40 Working Days prior to starting any works on the stormwater management system authorised by this Consent, the final detailed designs for all aspects of the stormwater management system, including treatment of Natural Wetlands / Wetlands, drainage plans and the reticulated stormwater network. This shall include detailed design calculations and design methodologies. In order to ensure that appropriate stormwater quality, stormwater attenuation and erosion protection standards are met, the designs shall be based on the NZTA document "Stormwater Treatment Standard for State Highway Infrastructure" (2010).

**(b) No works shall be undertaken on the stormwater management system until written certification of the information required by condition 6.1(a), from the Bay of Plenty Regional Council, has been received.**

**6.2 All stormwater runoff from the projects trafficked road surfaces shall be routed through stormwater treatment devices prior to discharge to the receiving environment.**

**6.3 The stormwater system, management and associated stormwater discharge structures shall be designed in accordance with the application including:**

**(a) The Substantive Design Application; and**

**(b) The most recent certified version of the SOMP required by condition 5.1 of this consent; and**

**(c) The information required by condition 6.1(a) of this consent; and**

**(d) The Ecological Effects Assessment; or**

**Commented [NZTA280]:** Already covered in Conditions 47 and 51, 48.2(a). Unnecessary duplication.

**Commented [NZTA281]:** See response 16.11 to in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA282]:** See response 16.11 to in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA283]:** See response 16.11 to in Attachment 2 response to comments from Bay of Plenty Regional Council.

**Commented [NZTA284]:** Already covered in Condition 5.5. Unnecessary duplication.

**Commented [NZTA285]:** Oppose, duplication.

**Commented [NZTA286]:** Oppose. Unnecessary and already covered in Condition 48.

(e) Any subsequent document or plan certified in writing by the Bay of Plenty Regional Council.

6.4 All works to install the stormwater infrastructure must be undertaken in accordance with the conditions of RM25-0466-LC.01, RM25-0466-BC.01 and RM25-0466-DC.01.

**Commented [NZTA287]:** Oppose. Unnecessary detail and does not allow for flexibility.

## 7. Discharge Quantity

7.1 The Consent Holder shall ensure that the stormwater treatment wetlands are designed to attenuate the peak catchment flow runoff events through the attenuation of 2, 10 and 100 year catchment flows in accordance with the *BOPRC Stormwater Management Guidelines (January 2012)*, except where:

- (a) The stormwater discharge is released into tidally influenced waters;
- (b) The receiving environment is a Watercourse that has been constructed as part of the Project that has been designed to accommodate the higher peak discharges and discharges into tidally influenced waters; or
- (c) A full catchment analysis has been provided to demonstrate that limited or no attenuation downstream will not cause an adverse effect.

## 8. Discharge Quality and Sampling

8.1 The consent holder shall ensure that no discharge resulting from the exercise of this consent shall result in any of the following after reasonable mixing (see conditions 5.2 and 8.2 of this consent):

- (a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- (b) Any conspicuous change in the colour or visual clarity;
- (c) Any significant adverse effect on aquatic life;
- (d) The natural temperature of the water changing by more than three degrees Celsius; and
- (e) Aquatic organisms being rendered unsuitable for human consumption by the presence of contaminants.

8.2 The consent holder shall ensure that in freshwater receiving environments the reasonable mixing zone shall be the less of 50 metres or ten times the width of the wetted waterway.

**Commented [NZTA288]:** Already covered in Condition 47.1. Unnecessary duplication.

8.3 Should the discharge result in any of the effects listed in Condition 8.1 ~~48.1~~, as reported through inspection or through a verified complaint, the Consent Holder shall collect a representative sample at the stormwater outlet. The stormwater sample shall be analysed for the constituents listed in condition 8.4 of this consent. ~~for concentration of total suspended solids and total petroleum hydrocarbons by an IANZ accredited laboratory.~~

**Commented [NZTA289]:** Oppose. Unnecessary detail.

8.4 The consent holder shall ensure the following:

- (a) Total suspended solids (TSS) concentrations at the point of discharge into the receiving environment (after treatment) shall not exceed 100 mg/L; and
- (b) Total petroleum hydrocarbons (TPH) concentrations at the point of discharge into the receiving environment after treatment shall not exceed 15 mg/L; and
- (c) In freshwater receiving environments, dissolved metal concentrations must not exceed the following after reasonable mixing:

1. Copper – 1.8 µg/L; and

2. Lead – 5.6 µg/L; and

3. Zinc – 15 µg/L.

(d) In marine receiving environments, dissolved metal concentrations must not exceed the following after reasonable mixing:

1. Copper – 3.0 µg/L; and

2. Lead – 6.6 µg/L; and

3. Zinc – 12 µg/L.

8.5 Sediment samples must be taken from a location outside the zone of reasonable mixing. Stormwater discharges shall not result in sediment in fresh and marine receiving environments to exceed the following limits:

1. Copper – 65 mg/kg; and

2. Lead – 50 mg/kg; and

3. Zinc – 200 mg/kg; and

4. TPH – 280 mg/kg.

8.6 The Consent Holder shall collect a representative water quality samples at the locations identified in the certified SOMP required by condition 4.2 of this consent within one year of the consent being exercised. The samples must be analysed for the constituents listed in condition 8.4 of this consent. stormwater outlet(s) of the permanent stormwater management system, within one year of Completion of Construction, annually for the subsequent four years, and then once every five years thereafter. The stormwater sample shall be analysed for concentration of total suspended solids and total petroleum hydrocarbons by an IANZ accredited laboratory and the results provided to BOPRC upon receipt.

(a) The consent holder shall undertake quarterly water quality sampling at the locations identified in the certified SOMP for the first five years of this consent being exercised.

(b) After five years of quarterly monitoring the sampling frequency shall reduce to annual sampling if the results are below the limits in condition 8.4 for 10 out of 12 consecutive samples collected.

(c) If the annual sampling shows results below the limits in condition 8.4, for three consecutive samples then the consent holder shall cease sampling.

(d) The samples required by condition 8.6(a), (b) and (c) must be analysed for the constituents listed in condition 8.4.

8.7 The consent holder shall collect representative sediment samples at the locations identified in the certified SOMP within one year of this consent being exercised. The samples must be analysed for the constituents listed in condition 8.5 of this consent.

8.8 (a) The consent holder shall undertake quarterly sediment sampling for the duration of this consent at the locations identified in the certified SOMP for the first five years of this consent being exercised.

(b) After five years of quarterly monitoring the frequency shall reduce to annual sampling if the results are below the limits in condition 8.5 for 10 out of 12 consecutive samples collected.

(c) If the annual sampling shows results below the limits in condition 7.5, for three consecutive samples collected then the consent holder shall cease sampling.

**Commented [NZTA290]:** Agree in principle, however not the level of specificity proposed. See amends to Condition 51.2.

(c) The samples required by condition 8.8(a), (b) and (c) must be analysed for the constituents listed in condition 8.5.

8.9 Any water and sediment quality sample results exceeding the maximum concentrations listed in conditions 8.4 and 8.5 specified in the SOMP by more than 10% shall trigger the following:

(a) Notification within five Working Days to BOPRC of the exceedance(s); and

(b) Investigation into the causes of the exceedance(s); and

(c) Timing for the implementation of any corrective actions / measures identified; and

Within two months of the results, corrective action to address the exceedance(s);

(d) Retest the discharge for the constituents listed in conditions 8.4 and 8.5 of this consent following implementation of corrective action; and

Within three months of the results, re-testing of the discharge for constituents under Conditions 48.1 and 52.1 following implementation of corrective action;

(e) A report detailing (a)-(d) above, including the necessity for other testing, shall be forwarded to BOPRC within 30 Working Days following receipt of the re-testing results.

8.10 Should the water quality and sediment analysis results be more than 10% above ~~above~~ the discharge quality limits specifications listed in conditions 8.4 and 8.5 specified in the SOMP for three consecutive water samples analysed, the Consent conditions may be reviewed under Condition 4.1 to require additional on-site stormwater treatment.

8.11 Stormwater analyses required by these conditions shall be carried out:

(a) As set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" – APHA – AWWA – WPCF, or such other method proposed by the consent holder and certified in writing by the Bay of Plenty Regional Council.

8.12 The results of the analyses required by the conditions of this consent shall be forwarded to the Bay of Plenty Regional Council within one month of receiving the results (see Advice Notes).

8.13 The consent holder shall notify the Bay of Plenty Regional Council, in writing, of any upgrades or changes to the stormwater management system or stormwater sub-catchments, imperviousness or layout which may cause a change in the quantity or composition of discharges to the receiving environment.

## 9. Inspections, Monitoring and Reporting

9.1 The Consent Holder shall inspect the stormwater system, including the discharge structure, any rip rap erosion protection at the outlet, and the points where discharges enter waterways, on an annual basis and after any storm greater than a 10% AEP.

9.2 (a) The stormwater infrastructure shall be inspected for debris build up, blockages, erosion and scour.

(b) Where maintenance work is required, the consent holder shall undertake any maintenance work as soon as practically possible or within two working days of a request from the Bay of Plenty Regional Council.

(c) The consent holder shall maintain a record, for the duration of this consent, of the dates and details of any inspections and maintenance carried out as required by this condition.

9.3 The consent holder is reasonable for any ongoing maintenance of the stormwater infrastructure.

9.4 The consent holder shall ensure:

(a) Accumulated debris is regularly removed from in and around the stormwater infrastructure; and

(b) The stormwater infrastructure is maintained in an effective capacity at all times so that the structure(s) can continue to operate in accordance with its design function (see Advice Notes); and

**Commented [NZTA291]:** Oppose, unnecessary detail and already covered in Condition 48. See response 16.28 in Attachment 2 response to comments from Bay of Plenty Regional Council.

(c) Any stormwater outlets shall be kept visible and clear of vegetation to allow for regular inspection.

9.5 All sediment and debris removed from the stormwater devices as a result of maintenance operations must be removed off-site to a facility authorised for the type and level of contaminants identified. Disposal dockets shall be kept for the duration of this consent and provided to the Bay of Plenty Regional Council within 48 hours of a request.

9.6 Any erosion and/or scour resulting from the discharge from the outlet(s) must be effectively stabilised as soon as practicable after the consent holder becoming aware of the erosion and/or scour.

9.7 An easily accessible sampling point must be available at any outlets to allow for regular inspection.

**Commented [NZTA292]:** Oppose, unnecessary detail and already covered in Condition 48.

#### Advice Notes

1. 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](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Include the consent number RM25-0466-DC.03.

**Commented [NZTA293]:** Oppose, unnecessary

**RM25-0466-WT.02**

**A resource consent:**

- Under section 14(1)(a) of the Resource Management Act 1991 and Rule 43 of the Regional Natural Resources Plan to undertake a discretionary activity being to take and groundwater associated with dewatering; and
- Under section 14(1)(a) of the Resource Management Act 1991 and Regulation 45(4) of the National Environmental Standards to undertake a discretionary activity being the take and use of groundwater within or within 100 metres of a natural wetland associated with dewatering;

subject to the following conditions

1. Purpose

1.1 The purpose of this consent is to take and use groundwater associated with dewatering during the construction of the Takitimu North Link Stage 2.

**Commented [NZTA294]:** Already covered in Condition 1.1. Unnecessary duplication.

2. Location

2.1 The activities authorised by ~~this~~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.

3. Consent Lapse and Expiry

3.1 (a) Pursuant to section 123 of the RMA and Schedule 5, cl 26 of the FTA, this consent shall expire 35 years after the commencement of this consent.

(b) This consent shall lapse 20 years after the commencement of this consent.

4. Review of Consent Conditions

4.1 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.

5. Water Take Parameters

5.1 The consent holder shall ensure that all dewatering is undertaken in accordance with the Substantive Application.

**Commented [NZTA295]:** Oppose, unnecessary.

6. Water Use Monitoring

6.1 The Consent Holder shall keep a daily written record of any water pumped and the quantity of water taken. These records ~~will~~ shall be provided to BOPRC within 24 hours of a ~~upon~~ request.

**Commented [NZTA296]:** Oppose, unnecessary detail.

7. Dewatering Measures

7.1 The consent holder shall take all practicable steps to ensure that:

(a) There is no leakage beyond the works area, water take structures and pipes; and

(b) All water discharged shall be in accordance with the conditions of RM25-0466-DC.01.

**Commented [NZTA297]:** Oppose, unnecessary detail.