Appendix B1: Technical Memorandum for Planning– Alternative to the Brynderwyn Hills

TECHNICAL MEMORANDUM	
To:	Katie Martin, Principal Planner, Whangārei District Council
From:	Stacey Sharp & Blair Masefield, Beca (consultant planners)
Subject:	Planning Technical Memorandum - Alternative to the Brynderwyn Hills (FTAA-2603-1178)
Date:	16 October 2026

Executive Summary

1. This memorandum is prepared on behalf of the Whangārei District Council (**Council**) and contains planning assessment of the Alternative to the Brynderwyn Hills (Pukekāroro to Waipū) Fast-track application, focusing on the proposed designation, National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES-CS**) contaminated land consent, associated regional consents, and the adequacy of the proposed conditions framework.

2. We have reviewed the substantive application material, associated technical reports, appendices, and additional material provided on 13 July 2026. Council's interests arise both as a regulatory authority responsible for administering Resource Management Act (**RMA**) approvals and as an owner and operator of critical infrastructure, including the local road network and the Ahuroa Water Treatment Plant and associated water supply infrastructure.

Engagement During Suspension Period

3. We, along with Council specialists, have continued to engage directly with NZTA and its technical team during the suspension period to discuss areas of disagreement and opportunities for condition refinement. These discussions have resulted in the resolution of a significant number of matters originally raised following Council's review of the application material, including matters relating to designation extent, noise and vibration, landscape mitigation, contaminated land management, erosion and sediment control, stormwater quality management, and community communications. As a result, Council's position has evolved on several issues and many of the condition refinements originally recommended by Council have now been adopted, either in full or in principle, by NZTA.

4. A summary of the engagement outcomes, matters resolved, and matters that remain outstanding is provided in **Appendix A**. At the time of finalising this memorandum, flooding effects on the Ahuroa Water Treatment Plant and associated source water catchment remain the primary unresolved technical matter, noting that discussions between Council and NZTA have been ongoing and that a number of requested amendments to the wider stormwater, erosion and sediment control framework have already been agreed. Further updates to the ecological mitigation package and associated conditions are also anticipated following discussions between NZTA and the Department of Conservation.

Designation and Consents Findings

5. Overall, we recognise the strategic importance of the Project and agree it provides a vehicle to realise the stated benefits of improving the safety, resilience, reliability and efficiency of the State Highway network between Auckland and Whangārei.

6. We agree that the Project is reasonably necessary to achieve the Applicant's stated objectives and that adequate consideration has been given to alternative routes and methods. Further information provided by the Applicant through engagement during the suspension period addressed concerns regarding the width and extent of the proposed designation and demonstrated that the land included within the designation is reasonably necessary to accommodate the transport corridor and associated project requirements.

7. While the majority of technical effects are considered capable of being appropriately managed through the proposed designation and consenting framework, the substantive matter remaining outstanding, in our view, relates to flooding effects on the Ahuroa Water Treatment Plant, its source water catchment and associated water supply infrastructure, including whether the flood management conditions should provide additional protections for this regionally significant public water supply asset.

8. We also consider, in terms of the terrestrial ecology conditions, condition refinements could be made to improve certainty that areas relied upon to offset, compensate for, or mitigate permanent losses of High and Very High value indigenous vegetation are appropriately protected and managed over the long term.

9. The NES-CS resource consent application is supported. The discretionary activity status is appropriate given the absence of Detailed Site Investigations (DSIs) and the potential for contaminated land to be disturbed during construction. During the suspension period, NZTA adopted Council's requested refinements to the contaminated land conditions, strengthening the relationship between DSI findings and management responses, improving oversight where remediation is required, and expanding contaminated soils management requirements. On this basis, we are satisfied that the proposed conditions provide a robust framework for managing potential effects on human health and the environment.

Recommended Condition Refinements

10. While many of Council's recommended condition refinements have now been adopted, a limited number of further refinements remain under consideration to provide additional certainty that the outcomes relied upon in the Applicant's assessments are achieved through detailed design, construction and long-term management.

    a. **Ahuroa Water Treatment Plant and Public Drinking Water Supply:** Council continues to seek refinements to the flood management framework to provide additional protection for the Ahuroa Water Treatment Plant and associated source water catchment. In particular, Council seeks explicit recognition of the Water Treatment Plant and associated infrastructure within the flood management performance standards, together with assessment and mitigation requirements where Project-related flooding effects are identified.

    b. **Terrestrial Ecology:** Council recommends targeted refinements requiring areas relied upon to offset, compensate for, or mitigate the permanent loss of High and Very High value indigenous vegetation to be legally protected, protected from stock access, and subject to pest management. These refinements are intended to provide greater certainty that ecological mitigation outcomes are secured and maintained over the long term. We acknowledge that the Department of Conservation is best placed to comment on the adequacy of the broader ecological mitigation package and Wildlife Act approval conditions.

11. Subject to resolution of the remaining flooding and ecological condition matters outlined above, we are generally satisfied that the proposed designation, NES-CS consent and regional consent framework provide an appropriate basis to manage the environmental effects of the Project and achieve the mitigation outcomes relied upon in the Applicant's assessments.

Section 1: Authors Credentials

1.1. Statement of Qualifications and Experience

Blair Masefield

12. Blair Masefield is a Technical Director – Planning and Northland Branch Manager at Beca. Blair holds a Bachelor of Resource and Environmental Planning from Massey University and has over 20 years' experience in resource management, strategic planning, and infrastructure consenting roles in New Zealand and the United Kingdom. Blair is a Full Member of the New Zealand Planning Institute.

13. Blair has experience with major infrastructure projects, particularly transport, acting both for Applicants and consent authorities. His experience includes lead planning roles for the applicant on the Waterview Connection, AMETI (Panmure–Pakuranga), PenLink, Northern Corridor Improvements and Te Atatū Interchange Upgrade and Auckland Harbour Bridge projects. He was engaged by Auckland Council as Principal Planner for the City Rail Link construction phase and for NZTA's Warkworth to Wellsford designation and regional consent applications. In Northland, Blair has acted as Northland Regional Council's (**NRC**) reporting planner for the Northport Expansion consents, led consenting and strategic planning work for Channel Infrastructure, and advised on the Marsden Point Rail Link and Marsden Point Dry Dock projects.

Stacey Sharp

14. Stacey Sharp is an Associate – Planning at Beca. Stacey holds a Bachelor of Science (Ecology and Biodiversity) from Victoria University of Wellington and a Postgraduate Diploma in Planning from Massey University and has approximately ten years' experience in resource management, strategic planning, and consenting in New Zealand. Stacey is a Full Member of the New Zealand Planning Institute.

15. Stacey's experience relates to consenting projects and policy review and development, both on behalf of Applicants and as a consulting reporting officer on behalf of Councils. Stacey's experience includes planning lead for the Whangārei Airport Location Options Study, WDC reporting officer for the Northport Expansion, Watercare's Southern Auckland Wastewater Servicing Scheme, and various capital works and asset management projects within the State Highway and local roading networks. She has prepared and processed designations for schools, community facilities, and transport (airport and roading) infrastructure projects, including on behalf of Whangārei District Council. She recently supported the preparation of the Regional Infrastructure Plan for Northland and has undertaken strategic planning work relating to infrastructure investment, growth planning, and infrastructure delivery across Northland.

1.2. Code of Conduct

16. Blair and Stacey confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses and agree to comply with it in the preparation of their assessments and participation in any subsequent expert or hearing processes. They confirm that the opinions expressed are within their respective areas of expertise and are their own, except where they have expressly relied on the work of others.

Section 2: Memorandum Structure

17. This memorandum includes a targeted review of the application material with respect to the relevant approvals referenced in Section 3 below. The structure of the remainder of this memo is as follows:

    Section 3: Approvals and application material reviewed

    Section 4: Site and proposal description

    Section 5: Notice of Requirement (designation)

    Section 6: Soil Contamination Resource Consents (NES-CS)

    Section 7: Regional Resource Consents

    Sections 8: Duration and Lapse Periods

    Section 9: Recommended Refinements to Proposed Conditions.

18. Council has not engaged specialists to review certain technical assessments, acknowledging that other parties and/or agencies are better placed to address these matters, including:

    a. Project benefits

    b. Archaeology and Cultural Impact Assessments

    c. Terrestrial, avifauna, and freshwater ecology.

19. Council has not commissioned specialist landscape and contaminated land peer reviews of the Applicant's assessments. The technical assessments prepared for NZTA were determined to be comprehensive and provided a robust basis for understanding the nature and scale of potential effects. Our comments on these topic areas therefore focused on the adequacy of the proposed management framework from a planning perspective, including the extent to which the conditions would implement the recommended mitigation measures. The engagement outcomes summarised below reflect that planning review and the subsequent refinements agreed with NZTA.

20. Notwithstanding, we continue to recommend a limited number of condition refinements where additional certainty would assist in securing the outcomes relied upon in the Applicant's assessments, particularly in relation to the protection of the Ahuroa Water Treatment Plant and the long-term management of ecological mitigation areas

Section 3: Approvals and Application Material Reviewed

3.1 Approvals

21. The approvals to which this memo relates include:

    a. A designation for which a Notice of Requirement (**NoR**) would otherwise be lodged under Section 168 of the RMA, including an Outline Plan of Works waiver request for Establishment Works; [1]

    b. A resource consent for a Discretionary Activity (Regulation 11) under the NES-CS;

[1] Section 81(2)(b) and 81(3) FTAA: for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5; and section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5.

c. The regional resource consents sought from NRC to undertake earthworks, stream works, and for construction and operational discharges (with particular regard to impacts on the Ahuroa Water Treatment Plant; and

d. The Wildlife Act Approvals and regional resource consents in so far as relevant to the respective (Section 31) RMA-effect mitigation proposed to be managed by those approvals (as opposed to via designation conditions).

3.2 Application Material Reviewed

22. Application material reviewed to inform this memo includes Volumes A-D of the substantive application, including associated appendices, and the 'Additional Material' supplied 13 July 2026 including proposed conditions.

Section 4: Site and Proposal Description

4.1 Site Description and Planning Context

23. A description of the existing environment is provided in Part B of Volume A – FTAA Substantive Application. Having familiarity through working and travelling in the general vicinity of the project area, we concur with that description of the site and surrounding environment and adopt that description for the purpose of this assessment.

24. Of relevance to the matters discussed in this memorandum below, we note the following aspects of the Site and existing environment:

a. The Piroa Stream at the southern edge of the Brynderwyn Range, forms the approximate boundary between the Kaipara and Whangārei Districts;

b. The Whangārei District section of the Project traverses, with the exception of the Brynderwyn Hill, a rural production landscape characterised by larger pastoral farming land holdings and relatively limited sensitive receivers;

c. The site and surrounds are subject to natural hazards; namely land instability and erosion-prone areas (particularly on the Brynderwyn Hills), and flood-prone alluvial plains (10-year and 100-year events) associated with the Ahuroa and Waihoihoi catchments;

d. The southern side of the Brynderwyn Hills is identified as an ONL and contained throughout the proposed designation are indigenous forest remnants, significant wetlands, native stream habitats and habitats supporting indigenous fauna and bird species;

e. The proposed designation directly impacts a number of local roads, with permanent alterations and tie-ins shown on the proposed indicative alignment for Glenmohr Road, Finlayson Brook Road, and Millbrook Road in the northern extent of the designation. Other local roads are identified as potentially impacted by temporary construction activities, and permanently from changes in traffic flow as a result of the proposal, as discussed in Appendix B2 – Transportation Technical Memorandum; and

f. The Ahuroa Water Treatment Plant (**WTP**) is located on the western side of the Ahuroa River adjacent the proposed designation, with the main trunk line traversing the northern extent of the designation. The WTP and trunk line are *Regionally Significant Infrastructure* (**RSI**)[2] and a consented and registered public drinking water supply that provides public water supply to Waipu,

[2] Appendix 3(1)(g) of the Regional Policy Statement for Northland

Ruakākā, and Marsden Cove communities. Further detail on the WTP is provided in Appendix B3 – Potable Water Technical Memorandum.

4.2 Proposal

25. The proposal is as described in the reference documents. We adopt that description for the purpose of this assessment and surmise that the Project seeks the necessary statutory approvals to enable the construction, operation, and ongoing maintenance of a 17km section of the Northland Corridor – a new four-lane State Highway and associated infrastructure – between Pukekāroro and Waipu. Approximately three quarters of the designation is located within the Whangārei District.

26. A suite of proposed conditions were provided as part of the proposal and can be relied upon as mitigation for effects. A second version was provided to the panel as part of the bundle of additional material on 13 July 2026 and through the suspension period, conditions were further refined to address matters raised through Council's review of the application material. Of relevance to the matters discussed in this memorandum below, the Applicant proposes within conditions:

    a. To authorise construction works within the designation footprint, managing the works through outcome-based designation conditions as opposed to via the provision of management plans. No 'Condition 1' is proposed to require the works be constructed in general accordance with the information submitted with the application and conditional mitigation is spread, and not duplicated, across the statutory approvals sought.

    b. 20-year lapse periods are sought for the NoR and the soil contamination resource consents with 20-year lapse and 35-year expiry dates periods sought for the regional permits. Following the suspension period, a condition requiring the maintenance of a project website is now proposed to manage planning blight and social impacts on landowners and communities.

    c. No conditions are proposed to manage effects on the local roading network. The Applicant proposes to utilize the Corridor Access Request (**CAR**) process, administered by the Local Roading Authorities (Whangārei and Kaipara District Council) under the Utilities Access Act 2010.

Section 5: Notice of Requirement (Designation)

27. This section includes commentary on:

    a. Consideration of alternatives sites, routes and methods[3]

    b. Reasonable necessity of the work and designation[4]

    c. Effects on the environment and statutory assessment and RMA policy implications for proposal.[5]

    d. Outline Plan Waiver (enabling works).

28. Outcomes to be achieved by the recommended refinements to the Applicant's proposed designation conditions are discussed in this section below. Marked up wording of recommended condition refinements are provided in Appendix C (C1 – C3) separately.

5.1 Consideration of Alternative Sites, Routes, and Methods

29. The RMA (and corresponding FTAA clauses) requires consideration of alternative sites, routes, or methods of undertaking the project or work where a Requiring Authority does not have an interest in the

[3] Part 8, Section 168(3B)(b)(i) RMA
[4] Part 8, Section 168(3B)(b)(ii) RMA
[5] Part 8, Section 168(3B)(a) RMA

land sufficient for undertaking the proposed works. The statutory requirement is to demonstrate adequate consideration has been given to alternatives, rather than demonstrating that the 'best' option has been selected.

30. In this regard, the alternatives assessment documented in Section C5.2 demonstrates a structured and iterative process extending from strategic corridor investigations undertaken since 2017, through corridor shortlisting, identification of an Emerging Preferred Corridor, and subsequent refinement of route and design components (including the Brynderwyn Hills alignment, alignment options East of the Transpower transmission line, and the Piroa Stream crossing methodology). The progression from wider corridor investigations to increasingly detailed route refinement indicates that alternatives have been considered at both a route and, in isolated locations, at a site-specific level.

31. Whilst detailed assessments have not been provided, the use of a multi-criteria assessment (**MCA**) framework involving technical specialists and consideration of a range of matters generally indicates a robust decision-making process.

32. In relation to alternative methods of undertaking the Project, the Applicant has identified and assessed the use of a designation as the primary statutory mechanism to authorise and protect the transport corridor. The application outlines the reasons for adopting this approach, including the scale and linear nature of the Project, the number of affected properties, and the need to secure and manage the corridor over time.

33. While acknowledging that less consideration of alternatives at a site level appears to have been undertaken, we consider that the application demonstrates that adequate consideration has been given to alternatives (particularly routes and methods) of undertaking the works.

5.2 Reasonable Necessity

34. With regard to demonstrating that the Project and the designation sought are reasonably necessary to achieve the objectives of the Requiring Authority, Volume A of the substantive application states the Applicant' overarching objective, including sub-objectives, for the Northland Corridor is:

    a. *"To deliver an efficient and reliable connection between Whangārei and Auckland that provides safe access for people and businesses and supports economic growth."*

        i. *Resilience: A state highway corridor that provides reliable and resilient access for people and businesses of the region.*

        ii. *Safety: A state highway corridor that provides safe access.*

        iii. *Enabling Economic Growth: An efficient state highway corridor that enables regional growth and access to key markets."*[6]

35. Volume A further states that the Notice of Requirement objectives for the Project (Brynderwyn Hills section) are to:

    a. *Improve the safety and resilience of the state highway network between Pukekāroro and Waipū;*

    b. *Improve travel time reliability and transport efficiency of the state highway network between Pukekāroro and Waipū;*

    c. *Support the inter- and intra-regional movement of people and freight by providing local connections off State Highway 1 between Pukekāroro and Waipū; and*

[6] Section C3 Project Objectives, Volume A, pages 27 – 28

d. Support national and regional economic growth and productivity.[7]

36. In Section C3 of Volume A, the Applicant summarises that the Project is reasonably necessary to achieve these objectives for the following reasons:

a. Securing the route for this critical Brynderwyn Hills section of the transportation corridor between Auckland and Whangārei;

b. Improving the resilience and safety of the Brynderwyn Hills section of SH1; and

c. The overall and specific economic benefits that reducing closures of the Brynderwyn Hills section of SH1 will provide for Northland.[8]

37. Having regard to the above, we agree that the Project and the proposed designation is, in principle, reasonably necessary to achieve the Requiring Authority's stated objectives. The designation will provide a corridor for the future construction, operation and maintenance of regionally and nationally significant transport infrastructure and provide an opportunity to realise the anticipated benefits relating to safety, resilience, connectivity and economic growth.

38. As detailed in **Appendix A**, through the suspension period we sought further explanation regarding the width and reasonable necessity of several sections of the proposed designation, including areas near the south-eastern extent of the Brynderwyn Hill ONL and several isolated sections of the alignment north of the Brynderwyn Hills.

39. In response, NZTA provided further information regarding the purpose and function of these areas, as summarised in **Appendix A**. While the designation is extensive, exceeding 1km in width in some locations, the additional information demonstrated that the wider designation footprint serves a range of project-related purposes beyond the transport corridor itself. These include accommodating the relocation of key utilities (including the Transpower transmission line), enabling stream realignment and freshwater mitigation works, and supporting ecological mitigation through species release sites. NZTA also explained that, where practicable, designation boundaries have been aligned with cadastral parcels to avoid creating orphaned, landlocked, or otherwise isolated residual landholdings within the Rural Production Zone. In the northern extent of the designation, NZTA noted that any residual parcels would in many cases be constrained by rivers on one side and the proposed limited-access State Highway on the other, resulting in land parcels with limited practical use or accessibility.

40. In lieu of any express objective relating to the retention of flexibility in the final arrangement or location of Project components, which would support the proposed 'no Condition 1' approach, we note that NZTA's response to Council's queries regarding the wider designation areas did not primarily rely on the potential for substantial future refinement of the alignment. Rather, the additional land was generally justified on the basis of accommodating project-related infrastructure and environmental mitigation requirements, as set out above, and the avoidance of creating isolated or impractical residual land parcels within the Rural Production Zone. Accordingly, the explanations provided during the suspension period gave greater confidence that the queried areas of land are reasonably necessary to achieve the Project's objectives, irrespective of any future refinement to the detailed design of the Project.

41. Having considered this additional information, we are satisfied that the Applicant has demonstrated a reasonable basis for the inclusion of these areas within the designation and that the designation extent is reasonably necessary to achieve the Project's objectives.

[7] Section C3 Project Objectives, Volume A, page 28
[8] Section C3 Project Objectives, Volume A, page 28

5.3 Assessment of Effects and Statutory (Policy) Conclusions

42. The following comments are provided in response to a targeted assessment of effects, undertaken at the instruction of Council, identifying key effects of interest to Council as an infrastructure provider and as a regulator and future administering agency (compliance) of the designation and soil contamination resource consents. The following section contains:

    a. General comments;

    b. Planning comments in response in response to Council specialists reviews (noise, stormwater and flooding, potable water); and

    c. Planning comments addressing other effects and policy implications.

General Comments

43. We note the application is promulgated on the basis of the project being delivered by a Public Private Partnership (PPP), in that the Applicant will be required to provide an unimpeded corridor for delivery (full land acquisition). We highlight for the Panel that effects on land and persons within the designation have not been assessed on this basis. Should the contractual delivery mechanism change in the future and the designation is refined at a later date, there is a risk that effects (including those relating to noise and flooding) may be greater on parties than what has been considered through this consenting process. Notwithstanding that all landowners within and directly adjoining the designation have been invited to comment on the application.

Planning Comments in Response to Council Specialists Reviews

44. The following section includes planning comments, including comments on recommended condition refinements, in response to Council specialist reviews relating to noise and vibration, stormwater and flooding, and on impacts to the Ahuroa Water Treatment Plant and trunk line.

Transportation Effects on the Local Roading Network

45. Based on the advice of Mr Nick Marshall, Council's Transportation Specialist (Appendix B2) we note that Council, as the Road Controlling Authority for the local roading network, is in general agreement with the transportation assessment and the Applicant's proposed means of mitigation for transportation effects on local roads. On this basis, we consider that potential construction and operational transportation effects on the local roading network to be acceptable and appropriately managed via existing statutory mechanisms (the Corridor Access Request process).

46. No refinements to proposed conditions or additional conditions are recommended to address transportation effects of the Project on local roads.

Noise and Vibration (Construction and Operation)

47. Based on the advice of Mr Peter Runcie, Council's Acoustics and Vibration Specialist (Appendix B5), we consider that the Applicant has appropriately identified and assessed the potential construction and operational noise and vibration effects of the Project. Mr Runcie confirms that the existing acoustic environment is strongly influenced by traffic on State Highway 1 and considers the assessment methodology, modelling approach and noise mitigation framework adopted by the Applicant to be appropriate. He also agrees that construction noise and vibration effects can be appropriately managed through the proposed condition and scheduling framework, and that operational noise effects are capable of being managed in accordance with NZS 6806:2010 and Best Practicable Option (BPO) principles. Overall, subject to targeted refinements to the proposed conditions, we consider the potential noise and vibration effects of the Project on sensitive receivers to be acceptable.

48. Through the suspension period, we sought a number of refinements to the proposed noise and vibration conditions relating to blasting activities and the protection of Council-owned water supply infrastructure associated with the Ahuroa WTP. As outlined in **Appendix A**, NZTA accepted the recommended condition amendments, which resulted in clarifying the applicability of the blasting criteria and the extension of vibration management requirements (via a site-specific Schedule) to include works undertaken in proximity to the Ahuroa WTP and public water supply trunk mains.

49. We consider these amendments appropriately address the matters raised by Mr Runcie and provide additional assurance that potential construction vibration effects on regionally significant public water infrastructure will be suitably managed.

50. Mr Runcie recommended a refinement to the designation conditions requiring any new Protected Premises and Facilities (**PPFs**) established within 200m of the Project prior to the future BPO assessment to also be assessed for operational noise effects. Notwithstanding this recommendation, we acknowledge that the NoR has immediate legal effect and in our view this provides clear notice of the future transport corridor and its associated effects to landowners. The operational noise conditions have been developed based on the receiving environment and PPFs existing at the time the NoR was lodged and we therefore consider it appropriate that subsequent land use and development be planned and assessed having regard to the existence of the designated infrastructure, rather than requiring the Project's operational noise mitigation obligations to expand over time in response to new sensitive activities locating in proximity to the designation. On this basis, we are satisfied that the proposed conditions appropriately address operational noise effects and do not consider further amendments to the PPF conditions are necessary.

Stormwater and Flooding (Construction and Operation)

51. Based on the advice of Ms Dale Paice, Council's Stormwater and Flooding Specialist (Appendix B4), we consider that the Applicant has appropriately identified and assessed the potential stormwater and flooding effects of the Project. Ms Paice confirms that the stormwater and flood risk assessment is fit-for-purpose, has been undertaken in accordance with good practice, and provides a suitable basis for managing stormwater quality and flood risk effects through detailed design and implementation. Overall, Ms Paice supports the proposed stormwater treatment and flood management approach and considers that the effects can be appropriately managed, subject to a number of targeted condition refinements.

52. Council's primary concerns regarding stormwater quality, erosion and sediment control, flood management, and protection of the Ahuroa Water Treatment Plant are addressed through the regional consent applications and associated conditions discussed later in this report. However, Ms Paice identified several refinements that would strengthen the designation framework and better align the conditions with the outcomes anticipated by the technical assessments and relevant planning provisions.

53. In particular, Ms Paice recommended:

    a. Amending the stormwater management conditions to provide greater flexibility in the methods used to mitigate stream erosion and stormwater quality effects, including alternative current good practice measures where detention-based infrastructure may not be appropriate – the intent of these changes were accepted and adopted by NZTA through the suspension period;

    b. Requiring assessment of flood effects for both the 10% AEP (10-year ARI) and 1% AEP (100-year ARI) rainfall events, including climate change allowances; and

    c. Refining the flood level performance criteria, including consideration of vulnerable activities and critical infrastructure, and the provision of an appropriate freeboard above design flood levels.

54. In response to Ms Paice's recommendations regarding the 10-year ARI event and the protection of freeboard, we acknowledge that (in our experience) these are not matters that are typically secured

through resource consent conditions in Whangārei. However, these measures are consistent with the outcomes sought by the relevant planning framework and could provide additional confidence that during more frequent flood events, vulnerable activities and critical infrastructure are appropriately considered through future design development.

55. The Applicant's flood modelling identifies very few existing habitable buildings outside the designation that are subject to any appreciable increase in flood levels, reflecting the predominantly Rural Production receiving environment through which the Project passes. Nevertheless, the modelling is based on the currently proposed alignment and associated infrastructure design that, as a result of the 'no Condition 1' approach, both retain flexibility for refinement through future design stages. In that context, while the recommended refinements are not fundamental to our overall position on the Project, we draw them to the Panel's attention for consideration should it consider further strengthening of the flood management framework to be necessary.

Effects on Ahuroa Water Treatment Plant and Water Supply Infrastructure (Public Drinking Water Supply)

56. Based on the advice of Mr Andrew Venmore, Council's Water Services Specialist (Appendix B3), we have considered the potential effects of the Project on Council's potable water infrastructure within the designation corridor, specifically the trunk water main associated with the Ahuroa Water Treatment Plant that traverses parts of the proposed designation. Mr Venmore advises that the primary concern for Council, in relation to the designation, is the protection of the existing trunk water main during the detailed design, construction and operation of the Project. We note that effects on source water quality, sedimentation, contaminant discharges, and treatment plant operations are addressed through the regional consent applications and associated conditions, and are therefore not considered further here.

57. Mr Venmore advises that the water main is an existing Council asset protected through established statutory mechanisms, including utility protection requirements, Council approval processes and established asset protection procedures applying to works undertaken in proximity to Council infrastructure. In his view, these mechanisms provide an appropriate framework for managing potential effects on the asset during detailed design, construction and operation of the Project.

58. We are satisfied that potential effects on the trunk water main itself can be appropriately managed through existing statutory protections and infrastructure approval processes. No refinements to the proposed designation conditions, or additional designation conditions, are recommended in relation to protection of the water supply infrastructure.

Planning Comments Addressing Other Effects and Policy Implications

59. The following comments are made from a planning perspective, highlighting those matters where condition refinements were sought by Council and identifying the limited number of issues that remain under consideration following engagement with NZTA during the suspension period.

Social and Community Impacts

60. We note that, while the benefits of the Project are addressed elsewhere in this report, the substantive application does not include a Social Impact Assessment or a dedicated assessment of potential social and community effects arising from the proposal.

61. While a degree of uncertainty is inherent in route protection projects, we consider the potential social effects could be heightened in this instance by the combination of the spatial extent of the designation, the degree of flexibility retained for future design development (via the 'no Condition 1' approach), and the 20-year lapse period sought. Together, these factors have the potential to affect the use and enjoyment of land, investment certainty, property improvement decisions, and longer-term community confidence regarding the future of affected areas.

62. During the suspension period, we engaged with NZTA regarding the potential for affected landowners and communities to experience prolonged uncertainty if limited information was available regarding Project timing and implementation over the duration of the lapse period. In response, NZTA has proposed a condition requiring the establishment and maintenance of a publicly accessible project website throughout the lapse period and during construction. The website will provide a readily accessible source of information regarding the status and progress of the Project, anticipated delivery timeframes, and key project updates.

63. We consider that the proposed communications condition is an appropriate response to the concerns raised. The condition will assist in maintaining transparency and supporting ongoing engagement with affected landowners and communities throughout the duration of the designation. Subject to the inclusion of the proposed communications condition, we do not recommend any further amendments in relation to this matter.

Landscape Effects

64. We note that the proposed Landscape Concept Plan (**LCP**) framework provides an appropriate mechanism for the development and implementation of landscape mitigation measures.

65. During the suspension period, we sought a number of refinements to the LCP conditions to provide greater certainty regarding the management of adverse effects on the Brynderwyn Hills ONL values, particularly having regard to the findings of the updated Landscape and Visual Assessment and associated geotechnical challenges that may impact long-term vegetation establishment to achieve the anticipated mitigation outcomes.

66. In response, and as detailed in **Appendix A**, NZTA has, in principle, incorporated the recommended amendments to the landscape designation conditions. These amendments include additional direction regarding the landscape outcomes to be achieved through the LCP process, specific consideration of landscape effects within and on the Brynderwyn Hills ONL, including the treatment of exposed cut and fill batters where active revegetation may not be practicable, and greater clarity regarding the ongoing management and protection of landscape mitigation measures. Taken together, we consider that these changes strengthen the LCP framework and provide a clearer basis for the future preparation, assessment and certification of Landscape Concept Plans.

67. Having regard to these amendments, we consider that the conditions now provide an appropriate framework to guide the detailed design and implementation of landscape mitigation measures and give greater confidence that the mitigation outcomes relied upon in the Applicant's assessment can be achieved. In particular, the amendments assist in demonstrating how adverse effects on the Brynderwyn Hills ONL, a matter of national significance under section 6(b) of the RMA, will be appropriately avoided, remedied or mitigated through the detailed design process.[9]

Terrestrial Ecology

68. The Project is supported by a terrestrial ecology assessment and a mitigation package spanning the designation conditions, Wildlife Approval conditions, and regional consent conditions. The ecological assessment identifies that residual adverse effects on some areas of significant indigenous vegetation and At Risk taxa (Hochstetter's frogs) remain more than minor following mitigation.

69. Having regard to the policy direction in the National Policy Statement for Indigenous Biodiversity (**NPS-IB**), the Regional Policy Statement for Northland (**RPS**)[10] and the Whangārei District Plan (**WDP**)[11] to

[9] RPS Policy 4.6.1; WDP NFL-O2, O4, NFL-P4 – P6, P9, P11.
[10] RPS Objective 3.4, Policy 4.4.1.
[11] WDP Objective DGD-O6 and ECO-O2, Policies ECO P1 – P4.

protect indigenous biodiversity and manage adverse effects on significant indigenous vegetation and habitats, we sought refinements to the conditions framework during the suspension period to provide greater certainty that ecological mitigation measures will be established, maintained and protected over the long term. In particular, we recommended that sites relied upon to offset, compensate for, or mitigate the permanent loss of High and Very High value indigenous vegetation be legally protected, protected from stock access, and subject to pest plant and pest animal management.

70. Whilst no updated conditions were agreed during the suspension period, we understand that further updates to the ecological mitigation package and associated conditions are anticipated following direct engagement between the Applicant and the Department of Conservation. We acknowledge that the Department of Conservation is best placed to comment on the adequacy of the proposed ecological mitigation package and the management of effects on indigenous biodiversity and At Risk taxa.

71. From a planning perspective, our recommended refinements are intended to provide greater certainty that areas relied upon for ecological mitigation are secured and managed over the long term. In our view, requirements for legal protection, stock exclusion and pest management would provide greater confidence that the ecological mitigation outcomes relied upon by the application will be achieved and maintained over time.

72. Subject to the anticipated updates to the ecological mitigation package and associated conditions, we consider this matter is capable of being appropriately addressed through amendments to the designation conditions. Recommended refinements to conditions proposed to mitigate terrestrial ecology effects are provided in Appendix C1.

Cultural Values

73. Cultural values and interests, including the Project's impacts on them have been identified in the Cultural Impact Assessments (**CIA**) and other tangata whenua material lodged in in response to the Project. These assessments identify that the Project has the potential to adversely affect cultural values, including the relationship of tangata whenua with ancestral lands, waterbodies, sites, wāhi tapu and other taonga. We highlight the policy direction within the RMA and relevant planning documents to recognise and provide for the role of tangata whenua as kaitiaki and their involvement in the management of natural and physical resources.

74. The Applicant has proposed a suite of cultural mitigation measures, including the preparation and implementation of Cultural Management Plans (**CMP**) and ongoing engagement with affected iwi and hapū. From a planning perspective, we consider these mechanisms provide an appropriate framework through which cultural effects can be further identified, assessed, and addressed in partnership with tangata whenua. However, in lieu of any advice or response from affected iwi or hapū regarding the proposed cultural mitigation package, Council has no further comments on the adequacy of the proposed cultural conditions at this time.

75. We acknowledge that discussions between the Applicant and affected iwi and hapū regarding cultural mitigation, monitoring and management measures may continue throughout the processing of the application. Should further cultural evidence, recommendations or agreed mitigation measures be provided by iwi or hapū, Council would be willing to assist the Panel and parties with any consequential condition drafting or refinement required to give effect to those outcomes.

Effects Conclusion

76. The majority of technical effects are considered capable of being appropriately managed through the proposed conditions framework, subject to targeted refinements. Through the suspension period, NZTA has agreed and proposed, in full or in principle, most our requested condition refinements relating to noise and vibration, landscape mitigation, erosion and sediment control, stormwater quality

management, contaminated land management, and ongoing communication with affected landowners and communities. These are set out in the updated condition set, prepared by NZTA dated 28 October 2026, attached as **Appendix B**. As a result, many of the matters originally identified by Council specialists have been resolved or substantially narrowed.

77. The substantive planning matters that remain outstanding relate to flooding effects on the Ahuroa WTP and associated water supply infrastructure, including the extent to which the flood management conditions should provide additional protection for this critical public water supply asset.

78. We also maintain that the recommended refinements to the ecological conditions, including requirements for legal protection, stock exclusion and pest management of mitigation areas, would provide greater certainty that sites relied upon to offset, compensate for, or mitigate adverse ecological effects are secured and appropriately managed over the long term. This would strengthen the implementation framework for the proposed mitigation package and provide additional confidence that the ecological outcomes relied upon in the application will be maintained over time.

5.4 Outline Plan Waiver (Establishment Works).

79. The Applicant has sought a waiver of the requirement to submit an Outline Plan for Establishment Works, including investigations, surveys, baseline monitoring, utility relocations, access tracks, haul roads, construction yards, site offices, fencing, and associated vegetation clearance.

80. In considering the nature and scope of the Establishment Works proposed, we consider it appropriate that the requirement for an Outline Plan be waived for the following reasons:

    a. The Establishment Works are preliminary enabling activities that are relatively discrete and/or temporary in nature;

    b. The defined works are consistent with, and undertaken for the purpose of, giving effect to the designation and the Project for which it is sought and are comparable to those that could otherwise comply with the relevant permitted activity criteria and performance standards of the WDP. These works are therefore considered likely to give rise to a level of effect equivalent to that which could otherwise occur as of right outside the designation, without the need for any written approvals under the RMA; and

    c. The proposed designation and regional consent conditions require the implementation of appropriate management and mitigation measures, addressing matters including erosion and sediment control, ecology, archaeology, cultural values, contaminated land, construction effects and environmental management generally. In our view, these conditions, in addition to the statutory protections provided in non-RMA legislation (including those relating to the relocation and impacts on utilities and local roads) provide an appropriate framework to manage the effects of the Establishment Works.

81. Accordingly, pursuant to Section 176(2)(c) of the RMA we consider it appropriate that the Panel waives the requirement for an Outline Plan in relation to the Establishment Works in this instance.

Section 6: Soil Contamination Resource Consents (NES-CS)

82. The following section relates to the resource consents sought under the NES-CS and includes:

    a. Overview of consents sought;

    b. Assessment of Effects;

    c. Proposed Conditions; and

    d. Concluding Council assessment.

83. Outcomes to be achieved by the recommended refinements to the Applicant's proposed NES-CS conditions are discussed in this section below. Marked up wording of recommended condition refinements are provided in Appendix C2 separately.

6.1 Overview of Consents Sought

84. The Project traverses predominantly rural land currently or historically used for agricultural, pastoral and forestry activities. The Applicant's Assessment of Contaminated Land Effects (Appendix D9), which has been prepared as a Preliminary Site Investigation (**PSI**) for the purposes of the NES-CS, identifies five pieces of land associated with activities listed on the Hazardous Activities and Industries List (**HAIL**), including former dairy farm operations, plant nursery activities, workshops and chemical storage areas.

85. As identified in the Applicant's proposed NES-CS conditions, the Site for the purpose of the NES-CS consent is the land located within the designation.

86. Of the five identified HAIL sites within the proposed designation, three sites are located within the Whangārei District, including one moderate-risk Plant Nursery and Market Garden which is intersected by the indicative alignment. A further six HAIL sites, four within the Whangārei District, were identified adjacent but outside the proposed designation. These HAIL sites are located outside the 'Site' of the NES-CS consents and are not covered by the scope of the consent.12

87. As Detailed Site Investigations (**DSI**) have not been undertaken across the Project area, the Applicant has applied for resource consent under Regulation 11 of the NES-CS for a Discretionary Activity.

88. The Applicant also seeks consent under the Regional Plan for Northland 2026 (**RPN**), authorise the potential discharge to land or water from any contaminated land disturbed, or reuse of contaminated land within the proposed designation. Resource consent is sought for a Discretionary activity under Rules C.6.8.5 Discharges to Land and Water - Contaminated Land and C.6.4.6 Other Discharges of Contaminants for these activities.13

6.2 Assessment of Effects and Proposed Mitigation

89. The contaminated land assessment concludes that, with the implementation of appropriate investigation, management and remediation measures, adverse effects on human health and the environment can be appropriately managed. Notwithstanding the Applicant's 'no condition 1' approach, the majority of identified HAIL sites are avoided by the indicative alignment, and are assessed as resulting in less than minor residual effects. Minor residual effects are anticipated for the Plant Nursery and Market Garden site.

90. The assessment notes that uncertainty remains regarding the nature and extent of contamination due to the absence of DSI at this stage. The Applicant proposes to address potential adverse effects through the following staged contaminated land management framework, implemented prior to construction:

    a. Potentially contaminated land will be subject to further site-specific (DSI) investigations prior to disturbance.

    b. Where contamination is identified by the DSI's, the findings will inform the preparation of a Contaminated Soils Management Plan (**CSMP**), which will establish procedures for the identification, handling, stockpiling, reuse, transport and disposal of contaminated soil and groundwater.

[12] Table 5, page 12, Assessment of Contaminated Land Effects (Appendix D9)
[13] Table 1, page 1, Appendix B – Comprehensive Rules Assessment, Volume B – RMA Approvals

c. Where remediation is required, a Remedial Action Plan (**RAP**) will be prepared and implemented, setting out the proposed remedial methodology, performance criteria and validation requirements.

d. Upon completion of remediation works, a Site Validation Report will be prepared to confirm that the site has been managed in accordance with the approved management measures and is suitable for its intended use.

91. The proposed framework also incorporates contingency measures for the discovery of previously unidentified contamination during construction activities.

6.3 Proposed Conditions

92. Overall, the proposed conditions provide a generally appropriate framework for implementing the staged contaminated land management approach described in the application.

93. During the suspension period, we sought a number of refinements to the contaminated land conditions to provide greater certainty that contamination risks are appropriately identified, assessed and managed before land disturbance occurs. In particular, this resulted in:

a. Removal of the 'deemed certified' conditions;

b. Strengthened link between DSI findings and implementation of management measures prior to site disturbance;

c. Additional Council oversight where contamination requiring remediation is identified; and

d. Expansion of CSMP requirements to address contaminated material classification, transport, disposal and contaminated groundwater management.

94. We note that these amendments have now been incorporated into the proposed conditions. On this basis we consider that the conditions appropriately reflect the staged contaminated land management framework described in the application and provide a robust mechanism for managing potential effects on human health and the environment arising from contaminated land disturbance. No further condition refinements are sought to the NES:SC condition framework.

Section 7: Regional Resource Consents

95. The following section includes an assessment of the impacts on the Ahuroa Water Treatment Plant.

7.1 Ahuroa Water Treatment Plant

96. Based on the advice of Mr Andrew Venmore, Council's Water Services Specialist (Appendix B3), we have considered the potential effects of the Project on the WTP, its associated water take, and the wider public drinking water supply network. As RSI, the WTP is to be protected and maintained.14

97. Council's primary concern relates to the protection of the Ahuroa water source and catchment, which is already subject to sedimentation issues, flooding pressures and degraded ecological condition. The principal risks identified relate to increased sediment loads, contaminant discharges and hydrological changes arising from construction and operation of the Project, which could adversely affect source water quality, treatment plant performance, maintenance requirements and long-term operational costs.

Erosion and Sediment Control

98. During the suspension period, we sought a number of refinements to the erosion and sediment control conditions to better recognise the sensitivity of the Ahuroa source water catchment and minimize

[14] RPS Policy 5.3.2; WDP DGD-RSI-O1, DGD-RSI-P1

adverse effects on the WTP and associated water supply infrastructure. We acknowledge that NZTA has agreed with the majority of these requested amendments.

99. The amended conditions now provide greater recognition of the WTP, intake, weir and associated water supply infrastructure as sensitive receptors, require notification of incidents that may affect source water quality, strengthen catchment-specific erosion and sediment control requirements, and provide improved monitoring, reporting and corrective action mechanisms where Project-related effects are identified. We also note that the amended conditions provide for the sharing of erosion and sediment control information with Council, improving visibility of construction activities within the catchment.

Stormwater Quality and Quantity

100. Through the suspension period, we sought refinements to the operational stormwater conditions to better protect source water quality and provide for Council Water Services involvement in the detailed design process where stormwater infrastructure is located within the Ahuroa catchment. We acknowledge that NZTA has agreed the majority of these recommendations.

101. The amended conditions now require consultation with Council's Water Services team during the design of operational stormwater infrastructure within the catchment and require NZTA to demonstrate how Council's feedback has been considered through the detailed design process. Additional monitoring, investigation and response requirements have also been incorporated where Project-related effects on water quality are identified.

102. From a planning perspective, we consider that these amendments provide greater confidence that operational stormwater effects on the Ahuroa WTP source water catchment will be considered and managed throughout detailed design and implementation.

Flooding

103. Council's concerns relating to flooding effects remain outstanding were unable to be resolved through the suspension period. Based on the advice of Mr Andrew Venmore (Appendix B3), these concerns arise from the location and vulnerability of critical infrastructure associated with the WTP, including the intake structure, weir, fish passage facilities, treated water storage infrastructure and other low-lying operational assets. While certain assets are particularly sensitive to flood effects, Mr Venmore considers the entire WTP site to be critical water supply infrastructure requiring protection from adverse changes in flood behaviour.

104. Mr Venmore advised that the Ahuroa catchment is already subject to flooding pressures and that several flood protection and erosion management measures have been implemented to support the continued operation of the WTP. These include flood protection bunding, rock armouring along vulnerable riverbank margins, and ongoing sediment management around the intake and fish passage facilities. Council is also progressing additional works to improve erosion protection within the vicinity of the WTP. Notwithstanding these existing and proposed mitigation measures, the WTP remains sensitive to any changes in flood levels and flood behaviour.

105. Mr Venmore identifies that any increase in flood levels, flood velocities, sediment deposition, erosion processes, or other changes to catchment hydraulics resulting from the Project could undermine the effectiveness of existing protection measures and exacerbate flood-related risks to the WTP and security of the public drinking water supply. In the event of floodwater ingress to critical treatment infrastructure, operational disruption, shutdown of the plant, and significant recovery measures (including emptying and disinfecting underground storage tanks) may be required before normal operation can resume.

106. Consistent with this position, we recommended a number of refinements to the flood management conditions to elevate the protections on the Ahuroa WTP and associated water supply infrastructure:

a. Recognition of the Ahuroa Water Treatment Plant, intake structure, weir and other critical water supply infrastructure within the flood management performance standards;

b. A requirement that Project-related flood level increases at the Ahuroa Water Treatment Plant and associated water supply infrastructure do not exceed 20mm[15] in the 100-year ARI flood event, including allowances for climate change;

c. Reporting, supported by hydraulic and hydrological modelling, to identify and implement mitigation measures on the Ahuroa Water Treatment Plant when required.

107. While NZTA has adopted the majority of Council's requested amendments relating to erosion and sediment control, stormwater quality management, monitoring and engagement with the future Water Services Entity, the requested amendments relating to flooding effects on the Ahuroa WTP remain unresolved. While existing statutory mechanisms are considered sufficient to protect the trunk water main itself, in our view the flood management conditions should provide more explicit recognition of the Ahuroa WTP and associated water supply infrastructure as critical assets and include measures to manage Project-related flood effects on their operation and resilience.

108. Having regard to the advice of Mr Venmore, we continue to recommend that further flood management condition refinements, as set out in Appendix C3, are implemented to address the matters set out above. Subject to resolution of these flooding matters, we are satisfied that the conditions have been appropriately strengthened to recognise and protect the Ahuroa WTP drinking water supply infrastructure and associated source water catchment.

Section 8: Duration and Lapse Periods

109. The Applicant seeks 20-year lapse periods for the NoR and the soil contamination resource consents, together with 20-year durations for construction-related regional consents and 35-year expiry periods for operational regional consents. The reasons for this request are summarised in the legal submissions on behalf of the Applicant (paragraphs 88 and 89) as follows:

a. *"While the Project is anticipated to be constructed within approximately six years of commencement, the lapse periods and consent durations need to provide sufficient flexibility for procurement, land acquisition, detailed design, pre-implementation activities and delivery of enabling works prior to the commencement of construction; and*

b. *A 20-year lapse period and duration for construction-related approvals is therefore sought to accommodate these lead-in requirements, while longer durations and expiry dates are sought for operational activities and infrastructure with long-term environmental effects, such as structures in watercourses, stream diversions and stormwater discharges. NZTA considers that, in the circumstances of the Project, the proposed lapse periods and durations are both reasonable and appropriate."*

110. We acknowledge that large-scale infrastructure projects frequently require longer lapse periods than those typically associated with private development projects. We further acknowledge that the Project is intended to deliver long-term strategic benefits relating to network resilience, safety, connectivity and economic growth, and that implementation timeframes are likely to be influenced by future funding allocations, procurement arrangements, and government investment priorities. In this regard, a lapse

[15] The proposed 20mm threshold was not intended to represent an acceptable increase in flood levels, but rather a practical allowance for hydraulic modelling uncertainty. Council's position remains that any measurable Project-related increase in flood levels at the Ahuroa WTP has the potential to adversely affect the operation and resilience of this critical public water supply infrastructure.

period longer than the statutory default is justified, noting that a lapse period requires the designation to be given effect to, rather than completed, within the specified timeframe.

111. We note that the lapse periods sought are broadly consistent with other major infrastructure projects in Northland (Northport Expansion, Marsden Rail Link) and are not materially inconsistent with other sections of the Northland Corridor, including the Puhoi to Warkworth and Warkworth to Wellsford – Ara Tūhono projects to the south which were approved with 15-year lapse periods.

112. Having regard to the strategic significance of the Project and the scale and complexity of the proposed works, we consider the requested 20-year lapse period to be appropriate. This conclusion is based on the proposed condition requiring the maintenance of a publicly accessible project website, which will provide a mechanism for transparent dissemination of project information to landowners and communities throughout the lapse period.

Section 9: Recommended Conditions

113. Recommended refinements (shown in underlined text) to the Applicant's proposed conditions are provided below. The recommended condition refinements are made to the 13 July 2026 designation and regional condition sets.

Designation Conditions

114. To provide greater certainty that the ecological mitigation outcomes relied upon by the application are achieved and maintained over the long term, we recommend that sites relied upon to offset, compensate for, or mitigate the permanent loss of High and Very High value indigenous vegetation are subject to appropriate legal protection and ongoing management requirements.

115. We acknowledge that further updates to the ecological mitigation package and associated conditions are anticipated. Accordingly, we suggest this requirement could be incorporated either as a new condition or through amendments to the Applicant's existing ecological conditions once the final mitigation framework has been developed.

> *Any mitigation site relied upon to offset, compensate for, or mitigate the permanent loss of Very High or High value indigenous vegetation must:*
>
> *(a) be legally secured through covenant, consent notice, reserve status or other equivalent protection mechanism;*
>
> *(b) be protected from stock access; and*
>
> *(c) be subject to pest plant and animal management for a minimum period of five years following establishment.*

Regional Consent Conditions

116. To provide greater certainty that changes in flood levels associated with the Project do not adversely affect the operation, resilience, or security of the Ahuroa WTP we recommend the following amendments to the flood management conditions. These amendments recognise the Ahuroa WTP and associated infrastructure as regionally significant infrastructure and provide a clear framework for assessing and, where necessary, mitigating Project-related flood effects.

> ***RC55*** *Before the start of Project Works, a report shall be provided to Council demonstrating that at the time of construction the Project will not, as far as practicable, increase water levels in the 100 year ARI event (including allowance for RCP6 climate change to the year 2110):*

(a) *By more than 100mm vertically in areas that are outside the Site at the time of construction and outside the banks of a Watercourse, Wetland or flood plain; and*

(b) *Above floor level of any habitable building in areas outside the Site; and*

(c) *By more than 20mm at the Ahuroa Water Treatment Plant, intake structure, weir, or other critical water supply infrastructure.*

RC56 *The report required by Condition [RC55] shall demonstrate compliance with [RC55] by a hydraulic and hydrological model with the level of detail and reporting to be confirmed by a Suitably Qualified Person. The report must include details of any interventions required to achieve the outcomes specified in [RC55(a) – (c)]. The peak flood levels for the without-Project and with-Project scenarios (both considering maximum probable development) shall be compared upstream and downstream at the Site boundary.*

Appendix A - Summary of Suspension Period Engagement Outcomes

Appendix B - Updated Proposed Conditions – NZTA Version (28 October 2026)

Appendix A: Summary of Suspension Period Engagement Outcomes

The following table sets out a summary of matters discussed with NZTA during the suspension period, including updates where further information was provided and/or condition refinements were made. The agreed conditions referred to in the table are those dated 28 October 2026, attached to this memo at **Appendix B**.

Topic	Matters Raised with NZTA	Engagement Outcome	Updated Position
General			
Designation Width	Further explanation sought regarding reasonable necessity of several wider designation areas. Particularly the south-eastern extent of the Brynderwyn Hill ONL and several isolated sections of the alignment north of the Brynderwyn Hills.[16]	NZTA provided additional justification for wider designation areas, including utility relocation requirements, ecological and freshwater mitigation areas, stream realignment works, and cadastral boundary rationalisation to avoid creating isolated residual parcels within the Rural Production Zone. A summary of NZTA's responses is provided below.	**Resolved.** We agree that the identified designation extents are reasonably necessary to achieve the NoR objectives.
Designation Conditions			
Social and Community Impacts	Potential for prolonged uncertainty for affected landowners and communities arising from the combination of the designation extent, future design flexibility and the proposed 20-year lapse period. Particularly in the absence of a mechanism for ongoing project communications.	NZTA have agreed to include a condition requiring the establishment and maintenance of a publicly accessible project website throughout the lapse period and construction period.	**Resolved.** No further condition refinements sought. We support the proposed condition and consider it provides an appropriate mechanism for ongoing engagement and transparency for affected landowners, communities and other stakeholders.
Landscape Conditions	Amendments requested to strengthen the purpose, content and implementation requirements of Landscape Concept Plans, particularly in relation to the Brynderwyn Hills ONL, cut and fill batters, spoil	NZTA accepted the majority of Council's recommended amendments in principle, including stronger direction regarding landscape outcomes, ONL values,	**Resolved.** No further condition refinements sought

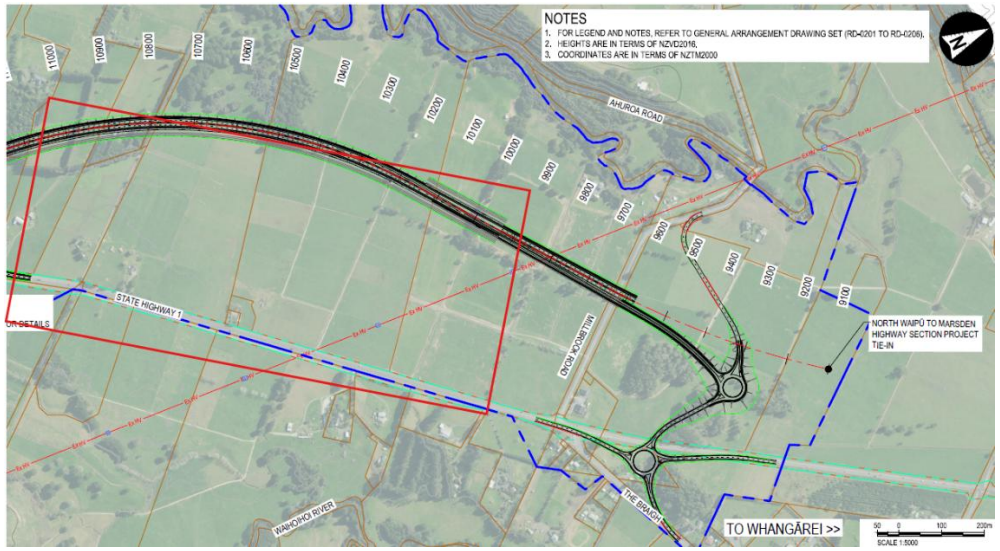
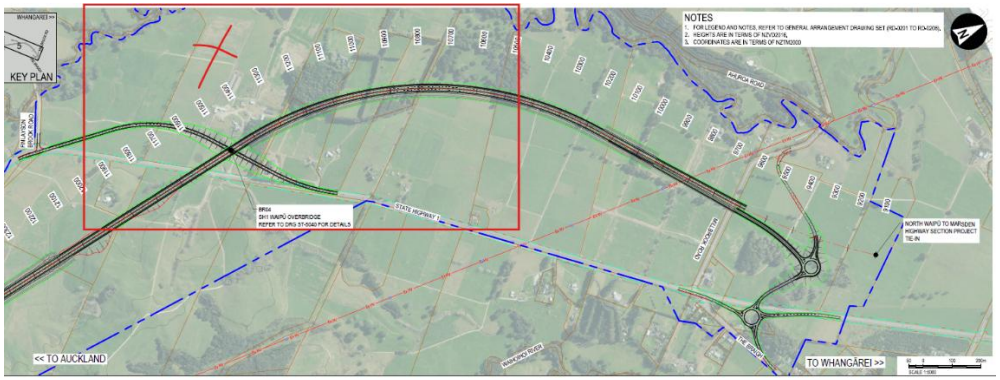
[16] Particularly the eastern extents of the designation between chainage 11000 – 9900, 15400 - 14950, 14200 – 13650, 17300 – 16100, 19100 – 18000 and the western extent of the designation between 12000 – 10500.

	disposal areas and long-term landscape outcomes.	treatment of exposed batters and ongoing management of landscape mitigation.	
Indigenous Vegetation Mitigation Sites	Recommended additional requirements relating to the long-term protection and management of vegetation mitigation sites relied upon to offset, compensate for or mitigate permanent High Value significant indigenous vegetation loss.	Response remains pending. NZTA advised that further updates to the ecological mitigation package and associated conditions are anticipated following engagement with the Department of Conservation.	**Outstanding.** Recommended condition amendments are contained within **Section 9.**
Noise and Vibration Management	Amendments sought to better protect the Ahuroa WTP and associated public water supply infrastructure from construction vibration effects via the preparation of a site-specific vibration schedule.	NZTA accepted amendments extending vibration management schedule requirements to include works undertaken within proximity of the Ahuroa Water Treatment Plant and operational public water supply trunk mains.	**Resolved.** No further condition refinements sought.
Blasting Conditions	Minor recommended amendments to the blasting criteria provisions to clarify application.	NZTA accepted amendments removing references to specific blasting activity types, providing greater clarity regarding application of the blasting criteria.	**Resolved.** No further condition refinements sought.
NES:SC Conditions			
Soil Contamination Management Framework	Council recommended minor amendments to strengthen contaminated land management requirements, including DSI gateways, management plan content, remediation triggers and management of contaminated materials.	NZTA accepted the substantive recommendations either directly or through alternative drafting that achieves the same outcome.	**Resolved.** No further condition refinements sought.
Certification Process	Council sought amendments to provide greater clarity regarding certification processes for contaminated land management plans and reports and to remove the	NZTA amended the certification framework and removed the proposed deemed-certification from the conditions.	**Resolved.** No further condition refinements sought.

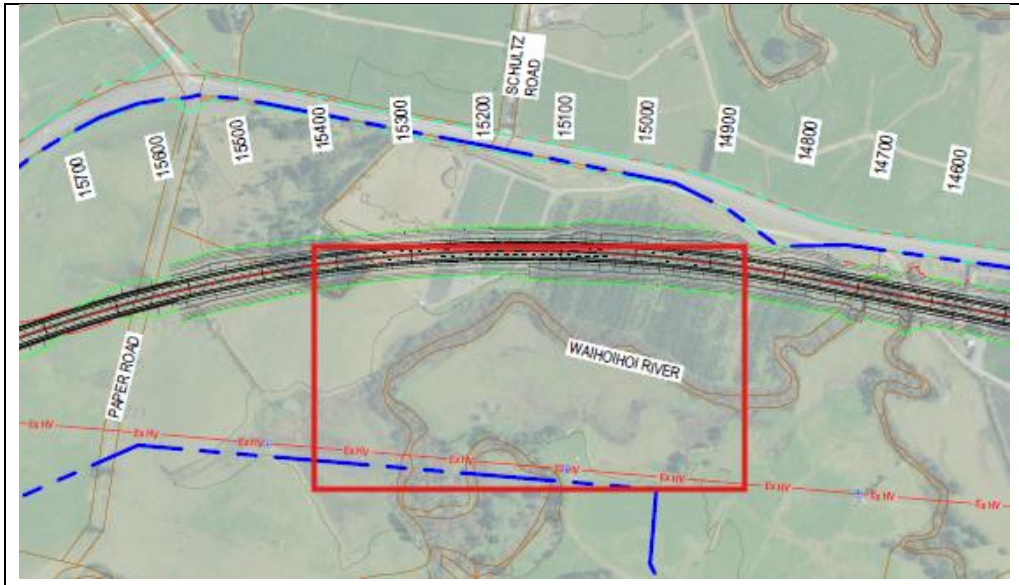
	'deemed certification' condition framework.		
Regional Consent Conditions			
Erosion and Sediment Controls	Amendments sought to better recognise the sensitivity of the Ahuroa source water catchment and strengthen protections for the Ahuroa Water Treatment Plant (WTP), intake, weir and associated water supply infrastructure during construction.	NZTA adopted the majority of the requested amendments. The updated conditions now recognise the WTP, intake, weir and associated water supply infrastructure as sensitive receptors, require notification of incidents, spills or discharges that could affect source water quality, include catchment-specific erosion and sediment control requirements, strengthen monitoring, investigation and corrective action requirements, and provide for erosion and sediment control information to be supplied to Council.	**Resolved.** No further condition refinements sought.
Stormwater Quality	Refinements sought to improve source water protection and provide for Council Water Services involvement in the design and management of operational stormwater infrastructure within the Ahuroa catchment.	NZTA adopted the majority of the requested amendments. The updated conditions require consultation with Council Water Services during detailed design of operational stormwater infrastructure within the Ahuroa catchment, require NZTA to demonstrate how Council feedback has been considered, include additional measures to avoid and/or mitigate effects on the public drinking water supply, strengthen water quality monitoring, and provide investigation, reporting and corrective action requirements where	**Resolved.** No further condition refinements sought.

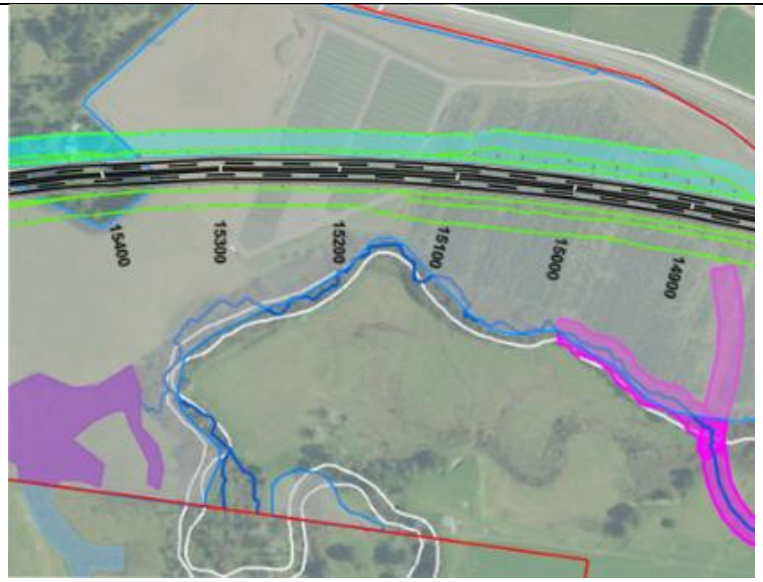
		Project-related effects are identified.	
Flooding	Refinements sought to strengthen protection of the Ahuroa WTP, intake, weir and associated water supply infrastructure from Project-related flooding effects, including specific performance standards and assessment requirements.	Discussions remain ongoing.	**Outstanding.** Recommended condition amendments are contained within **Section 9.**

Designation Width – Original WDC Queries	NZTA response:

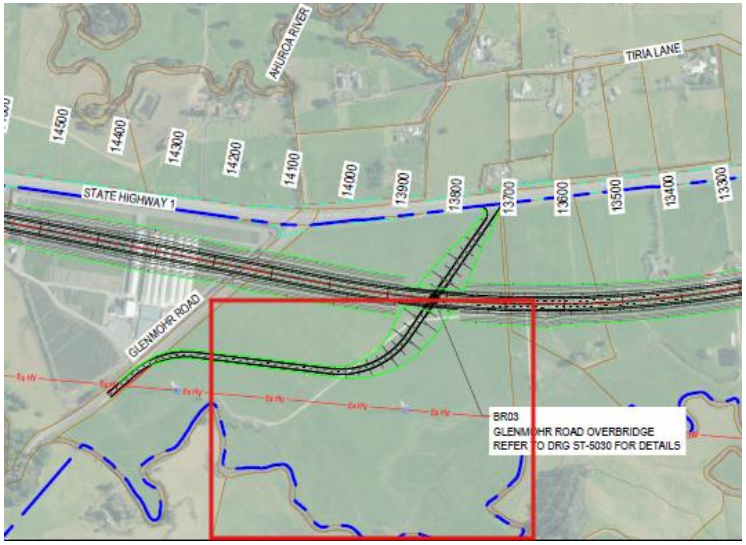
The eastern extents of the designation between chainage **11000 – 9900** (area shown in red)

 	
The **western extent** of the designation between 12000 – 10500

 	
	• Flexibility of design to accommodate the final alignment and Waipu interchange location and Finlayson Brook Rd tie in;
	• To provide sufficient room for the potential relocation of the utilities in these areas – the Transpower line and the WDC waterline; and
	• To follow cadastral boundaries, ensuring full titles are included within the designation to:
	  ○ avoid creating 'orphaned' or landlocked land requiring alternative (and costly) access points;
	  ○ avoid uncertainty for landowners as to which parts of their land are designated and which are not; and
	  ○ assist with ease of administration for council.

The eastern extents of the designation between chainage **15400 – 14950**	Required to accommodate the Waihoihoi Stream realignment, a core component of NZTA's freshwater mitigation package.





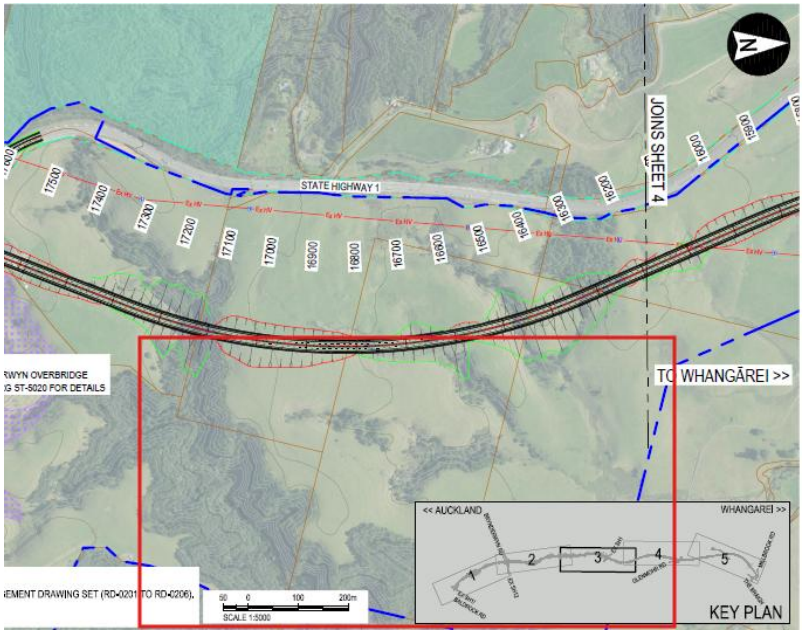
The eastern extents of the designation between chainage **14200 – 13650**



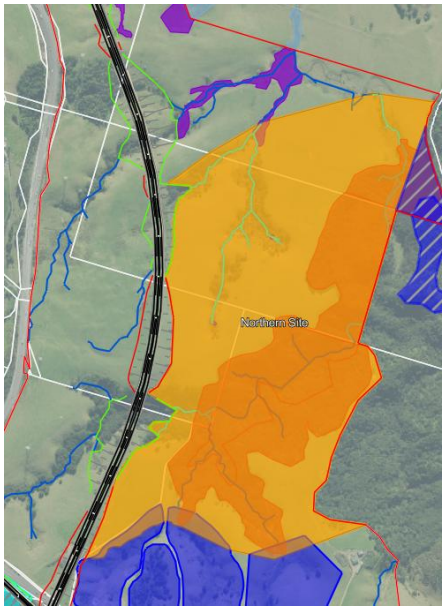
- To provide for stream restoration/enhancement as necessary as part of NZTA's freshwater mitigation package; and
- To follow cadastral boundaries, ensuring full titles are included within the designation to:
  - avoid creating 'orphaned' or landlocked land (between the Transpower line and stream) requiring alternative (and costly) access points; and
  - avoid uncertainty for landowners as to which parts of their land are designated and which are not;
  - assist with ease of administration for council.



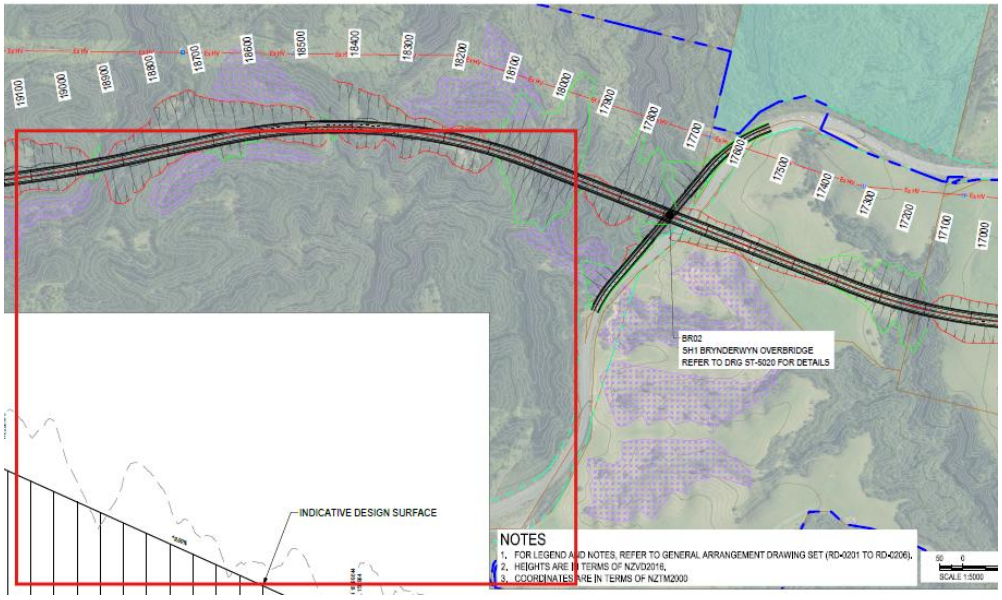
The eastern extents of the designation between chainage **17300 – 16100**



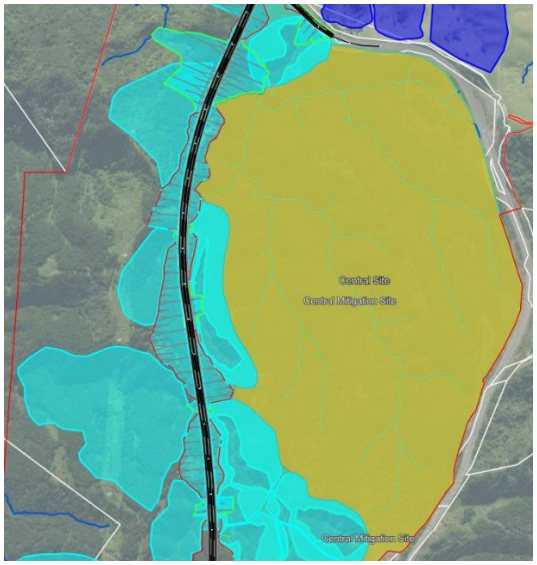
‘Northern Release Site’ a core component of NZTA’s ecological mitigation package, providing a relocation site for salvaged lizards, snails and frogs.



The eastern extents of the designation between chainage **19100 – 18000**



‘Central Release Site’ a core component of NZTA’s ecological mitigation package for salvaged frogs.



Appendix B: Updated Proposed Conditions – NZTA Version (28 October 2026)

APPENDIX – AMENDMENTS TO CONDITIONS AGREED BETWEEN NZTA AND WHANGĀREI DISTRICT COUNCIL

NORTHLAND CORRIDOR – BRYNDERYWN HILLS SECTION OF THE ALTERNATIVE TO THE BRYNDERWYN HILLS PROJECT – PROPOSED DESIGNATION CONDITIONS

Draft as at ~~13 July~~28 October 2026

Brynderwyn Hills section of the Alternative to the Brynderwyn Hills Project	
Designation unique identifier	*To be confirmed when the final confirmed designations are included in the relevant District Plans.*
Designation purpose	To construct, operate, maintain and improve a state highway and associated infrastructure for the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project.
Site identifier	*To be confirmed when the final confirmed designations are included in the relevant District Plans.*
Lapse date	20 years from the date on which the designation is included in the District Plan.
Designation hierarchy under section 177 of the Resource Management Act	*To be confirmed when the final confirmed designations are included in the relevant District Plans.*
Conditions	As specified below.
Additional information	N/A

Definitions

Term	**Definition**
AS2187-2:2006	Australian Standard 2187-2:2006 Explosives – Storage and use - Part 2: Use of explosives.
Active Nest	A nest containing or suspected to contain one or more nesting bird(s) and/or viable nest contents, being one or more egg(s) and/or chick(s) as identified by a Suitably Qualified Person.
Ahuroa Water Treatment Plant	The Ahuroa Water Treatment Plant and associated intake, weir, trunk water main and related water supply infrastructure located within the Ahuroa catchment.
Best Practicable Option	Has the meaning in s2 of the RMA.
ONL	Brynderwyn Range Outstanding Natural Landscape as identified in **Appendix [E]**
Completion of Construction	When the Project Works, or any relevant part of the Project Works, is complete.
Consents	The resource consents issued by the Expert Panel authorising the Project (reference #RC01-RC05).

Term	Definition
Council	[Kaipara District Council / Whangārei District Council]
Cultural Values Assessments	The following documents: a. Cultural Impact Assessment: Section 2B prepared by Te Pou Taiao o Patuharakeke Te Iwi Trust Board dated March 2026; b. Aromatawai Ngā Uara Ahurea o Te Pouwhenua o Tiakiriri Kūkupa Trust me Te Parawhau Hapū prepared by Te Parawhau ki Tai dated July 2026; and c. Cultural Values and Impacts Assessment: Northern Corridor Section 2B prepared by Te Uri o Hau Environs Holdings Limited dated March 2026.
Designation	The designation(s) subject to these conditions, included in the Kaipara District Plan / Whangārei District Plan.
District Plan	The Kaipara District Plan / Whangārei District Plan
Ecological Works	Any landscape planting, ecological mitigation planting or ecological compensation, enhancement works and activities required, and any relocation of wildlife or other measures under the Wildlife Approval.
Establishment Works	Preliminary activities undertaken in advance of Project Works commencing, including within a particular stage or geographic area, as follows: a. Site-wide geotechnical investigations and material reuse testing and earthwork methodology; b. Topographical surveys; c. Ecological, cultural, archaeological and heritage surveys; d. Baseline monitoring; e. Contaminated land testing; f. Protection of and/or relocation of utilities; g. Formation of access tracks and haul roads, or reconfiguration of existing of tracks or roads; h. Development of construction yards and main site offices; i. Property fencing and demarcation of areas where construction activities ~~shall~~must not occur; and j. Clearance of vegetation associated with establishment works (and clearing buildings and other features).
First Gas	First Gas Limited.
Gas Pipeline	First Gas Maungaturoto Gas Mainline.

Term	Definition
Hapū	Representatives authorised by Te Uri o Hau, Patuharakeke Te Iwi Trust Board and Te Parawhau ki Tai.
ISO 4866:2010	ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures.
Management Plans	Refers to the management plans, reports and plans required by Conditions [D21] and [D35].
National Grid Transmission Assets	Henderson to Marsden A (220kV high voltage transmission line) (HEN-MDN-A).
NZS6803	New Zealand Standard 6803:1999: Acoustics – Construction Noise.
NZS6806	New Zealand Standard 6806:2010 Acoustics – Road-traffic noise – New and altered roads.
Occupied buildings used for activities sensitive to noise	Any dwelling, visitor accommodation, boarding house, marae, papakāinga, supported residential care, care centres, and classrooms in education facilities occupied by receivers of noise.
Outline Plan	An outline plan prepared in accordance with s176A of the RMA.
PPF	Habitable spaces in buildings used for residential activities, marae, spaces within buildings used for overnight patient medical care, teaching areas and sleeping rooms in buildings used as educational facilities; and playgrounds that are part of educational facilities that are within 20 m of buildings used for teaching purposes.
Project	The construction, operation and maintenance of the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project.
Project Works	Activities undertaken to construct the Project, excluding Establishment Works.
Requiring Authority	New Zealand Transport Agency Waka Kotahi.
RMA	Resource Management Act 1991.

Term	Definition
Sensitive Site	A sensitive site includes houses and low-rise residential buildings, theatres, schools, and other similar buildings occupied by people. A site is sensitive in relation to blasting.
Suitably Qualified Person(s)	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence in the relevant field of expertise.
Transpower	Transpower NZ Ltd.
Underground Services	Underground services (ie. Gas Pipeline) that will be operational during the Project Works and are: (a) Located within the Designation; (b) Lawfully established; and (c) Not proposed to be relocated as part of the Project.
Existing Indigenous Vegetation	The indigenous plant species identified on the map in **Appendix C**.
Wildlife Approval	The approval issued by the Expert Panel under the Wildlife Act 1953 for the Project (Reference WA#).
Working Day	Has the meaning in s2 of the RMA.

GENERAL CONDITIONS

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D3 Once the Designation has been included in the District Plan, the Requiring Authority must maintain a website page (or equivalent online information source), which provides information regarding implementation of the Project. This website must be updated, at least annually, throughout duration of Project Works.

…

CONSTRUCTION NOISE AND VIBRATION

Noise Criteria

D11 Construction noise ~~shall~~must be measured and assessed in accordance with NZS6803 and ~~shall~~must, as far as practicable, comply with the following criteria:

(a) Occupied buildings used for activities sensitive to noise:

	Time period		
		dB L_{Aeq}	**dB L_{AFmax}**
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

(b) Other occupied buildings:

Time period	**dB L_{Aeq}**
0730-1800	70
1800-0730	75

Vibration Criteria

D12 Construction vibration ~~shall~~must be measured in accordance with ISO 4866:2010 and as far as practicable, comply with the following criteria:

(a) At buildings:

Receiver	Location	Detail	Category A	Category B
Buildings occupied by activities sensitive to noise	Inside the building	Night-time 2000h – 0630h	0.3mm/s PPV	1mm/s PPV
		Daytime 0630h – 2000h	1mm/s PPV	5mm/s PPV
Other occupied buildings	Inside the building	Daytime 0630h – 2000h	2mm/s PPV	5mm/s PPV
All other buildings	Building Foundation	Vibration – transient	5mm/s PPV	BS 5228-2 Table B.2
		Vibration – continuous	5mm/s PPV	BS 5228-2 50% of Table B.2 values

(b) At Underground Services:

Pipe material	Guideline value for short term vibration criteria at the pipe	Guideline value for long term vibration criteria at the pipe
Steel, welded	100 mm/s PPV	50 mm/s PPV
Vitrified clay, concrete, reinforced concrete, prestressed concrete, metal (with or without flange)	80 mm/s PPV	40 mm/s PPV
Masonry, plastics	50 mm/s PPV	25 mm/s PPV

Blasting noise and vibration criteria

D13 Any blasting ~~shall~~must:

(a) Only occur between 0730h – 1800h; and

(b) Be undertaken in accordance with the following noise and vibration limits:

Category	~~Type of blasting operations~~	Peak component particle velocity (PPV)	Peak sound pressure level
Sensitive Site	~~Operations lasting longer than 12 months or more than 20 blasts~~	5 mm/s for 95% blasts per year, 10 mm/s maximum unless agreement is reached with the occupier(s) of the relevant Sensitive Site that a higher limit may apply	115 dBL for 95% blasts per year, 120 dBL maximum unless agreement is reached with the occupier(s) of the relevant Sensitive Site that a higher limit may apply
Occupied non-Sensitive Sites	~~All blasting~~	25 mm/s maximum unless agreement is reached with occupier(s) of the Relevant Sensitive Site that a higher limit may apply.	125 dBL maximum unless agreement is reached with occupier(s) of the relevant Sensitive Site that a higher limit may apply.

Construction Noise and Vibration Management Outcomes

D14 During the Project Works, the following noise and vibration management measures ~~shall~~must be implemented:

(a) Best Practicable Option management and mitigation to be applied on and off-Site (where access can be practicably obtained) to avoid generating unreasonable noise and vibration;

(b) Measures to communicate with receivers within Occupied buildings used for activities sensitive to noise within 200 m of:

(i) Project Works, about the timing, duration and noise and vibration levels from Project Works; and

(ii) Blasting activities, about the timing, duration and frequency of blasting prior to blasting taking place; and

(c) A training programme for staff undertaking activities that may generate adverse noise and vibration effects so that they understand potential noise and vibration effects and how to manage them.

Site-specific Schedules

D15 If a construction activity during Project Works is predicted or measured to result in an exceedance of the noise and/or vibration criteria in Conditions [D11] to [D13], a Schedule ~~shall~~must be prepared. The objective of a Schedule is to set out the Best Practicable Option for minimising the noise and/or vibration effects of a construction activity that cannot practicably comply with the criteria in Conditions [D11] to [D13].

D16 A Schedule ~~shall~~must include, as a minimum, the following details:

(a) The start and finish dates, equipment and methodology for the activity;

(b) A plan showing the location of the activity and the receivers affected by a measured or predicted exceedance;

(c) For each identified receiver, the levels and durations of the measured or predicted exceedance;

(d) The site-specific noise and/or vibration mitigation measures that will be implemented;

(e) A summary of the consultation undertaken with each identified receiver, and how the views of owners and occupiers have been taken into account;

(f) The locations, times and types of any monitoring; and

(g) Where a construction activity is predicted to exceed the daytime Category A vibration criteria in Condition [D12], a requirement to offer to undertake a pre-activity building condition survey in accordance with the requirements of Condition [D19].

D17 A Schedule ~~shall~~must be prepared if a vibration inducing construction activity during Project Works is proposed to occur within:

(a) 50 m of National Grid Transmission Assets; or

(b) 20 m of the ~~Gas Pipeline~~Ahuroa Water Treatment Plant and any associated operational public water supply pipeline owned or operated by Whangārei District Council or Northland Waters (where operational).

D18 Each Schedule required by Conditions [D15] and [D17] ~~shall~~must be submitted to Council for information.

Building condition survey

D19 If an exceedance of the Daytime Category A vibration criteria in Condition [D12] is predicted to occur due to the Project Works, the Requiring Authority ~~shall~~must:

(a) Engage with receivers expected to be, or have been affected by the exceedance;

(b) Offer to undertake a pre-construction building condition survey to any buildings affected by the exceedance;

(c) If the offer in (b) is accepted, conduct a condition survey. The survey ~~shall~~must be undertaken by a Suitably Qualified Person and ~~shall~~must document the condition of the building and structures following best practice, using written descriptions,

photographs and measurements as required. The survey ~~shall~~must also confirm the Line 1, 2 or 3 classification(s) of the building(s) in accordance with DIN4150-3;

(d) Where a pre-construction building survey has been undertaken in accordance with (c), offer to undertake a post-construction building condition survey following completion of the exceeding activity;

(e) If the offer in (d) is accepted, the survey ~~shall~~must be undertaken by a Suitably Qualified Person as soon as practicable and ~~shall~~must identify any damage (being detrimental cosmetic or structural damage to the building) that is more likely than not to have been caused or exacerbated by the Project Works (as assessed by a Suitably Qualified Person);

(f) Where damage to a building is identified as more likely than not to have been caused or exacerbated by the Project Works in accordance with (e), within 10 Working Days of completion of the post-construction building survey offer to the owners of the building to fix that damage; and

(g) If the offer is accepted, fix the damage without undue delay following acceptance of the offer.

D20 If an offer made under Condition [D19](b), (d) or (f) is not responded to within four weeks of the offer being made, the offer shall be deemed to have not been accepted (unless the Requiring Authority agrees to a longer time period in the particular circumstance). If an offer is responded to but not accepted within twelve weeks of the offer being made, it shall be deemed to have not been accepted.

LANDSCAPE

Landscape Planting

D21 Before starting Project Works, a **Landscape Concept Plan (LCP)** ~~shall~~must be prepared. The LCP ~~shall~~must include drawings and descriptions (where appropriate) of the landscape planting to be implemented during the Project Works. The purpose of the LCP is to:

a) manage adverse landscape and visual effects arising from the Project;

b) protect and maintain, to the extent practicable, the naturalness, experiential and aesthetic values of the ONL;

c) promote the restoration and rehabilitation of indigenous landscape character where vegetation clearance and landform modification are required; and

d) ensure that landscape mitigation is integrated with ecological mitigation and restoration measures undertaken for the Project.

D22 The LCP ~~shall~~must, where practicable, include drawings or a description of the following matters:

(a) Retention of existing substantial, indigenous vegetation (as determined by a Suitably Qualified Person);

(b) Use of eco-sourced indigenous plants for revegetation; ~~and~~

(c) Planting specifications (including for site preparation and planting), such as density, species composition, and species micro-siting; ~~.~~ and

(d) Identification of all areas within the ONL where vegetation clearance, spoil disposal, and/or cut or fill batters are proposed, including the proposed landscape treatment and anticipated long-term landscape outcome for those areas.

D23 The LCP ~~shall~~must include the following elements as shown on the maps in **Appendix [BC ~~– to be provided in next version~~]**, where relevant:

(a) Replacement planting of kahikatea / tōtara if the alignment impacts the kahikatea / tōtara stands;

(b) Revegetation of cut and fill batters if these are to occur in the following locations (unless such revegetation is impracticable due to gradient of the batters):

(i) If the alignment crosses the Bush-clad Escarpment adjacent to the Main Mayflower Stream~~, in proximity to~~ and where the alignment crosses the Puriri Downs Stream ~~or the~~and ~~w~~ Wetland 24; and

(ii) ~~The~~ in the summit area, and northern slopes ~~and northern approaches~~ of the Brynderwyn Hills; and

(iii) through the Saddle of the Volcanic Hills at the head of the Tributary of the Pukekaroro Stream.

(c) treatment of cut and fill batters within the ONL, to integrate with the surrounding landform and vegetation patterns through:

(i) revegetation where practicable;

(ii) where revegetation is not practicable, measures (such as hydroseed and hydromoss treatments) to promote natural regeneration and to minimise visual contrast, apparent scarring and visual dominance, where practicable;

(iii) where measures in (c)(ii) are not practicable, management of exposed rock faces and engineered slopes to maximise the prominence of natural rock.

(d~~c~~) Landscape treatment measures ~~Revegetation~~ of any spoil disposal sites that are located in the Summit Area or area of ONL of the Brynderwyn Hills ~~(unless such revegetation is impracticable due to gradient);~~through:

(i) revegetation where practicable;

(ii) where revegetation is not practicable, alternative landscape treatment measures, where practicable.

(e) Spoil disposal within the ONL is to be avoided where practicable;

(fd) Indigenous riparian planting of any stream diversions if these occur in the Tributary of the Pukekaroro Stream:

(ge) If the meander loop of the Waihoihoi River is diverted, recreation of an equivalent meander loop, including planting of indigenous riparian vegetation;

(hf) A 10 m wide indigenous riparian buffer on the southern side of the Piroa Stream; and

(ig) Where cuts are proposed to occur through the Saddle of the Volcanic Hills north of Kaiwaka, planting of indigenous plant species in the following areas (unless such planting impracticable due to gradient):

(i) On cut batters; and

(ii) Within the upper parts of the tributary valley of the Pukekaroro Stream.

D24 A description of how the landscape planting required by this condition will integrate with and/or form part of any planting required by Conditions [D27] and conditions of the Consents and contribute to the ecological outcomes, habitat enhancement objectives and ecological connectivity outcomes identified in the Ecological Management Plan required by the Project's Wildlife Approval.

D25 The LCPs shallmust be implemented during the Project Works and for the periods following the Project Works as described in Condition [D26].

D26 Planting implemented through the LCPs under Condition [D25] shallmust:

(a) Where practicable, be completed before or within the first planting season following Completion of Construction;

(b) Have pest plant control for a five-year period following planting; and

(c) Be maintained and / or replaced for a five-year period or until 80% canopy cover is achieved (whichever is less).

…

NORTHLAND CORRIDOR – BRYNDERWYN HILLS SECTION TO THE ALTERNATIVE TO THE BRYNDERWYN HILLS – PROPOSED REGIONAL RESOURCE CONSENT CONDITIONS

Draft as at ~~13 July~~28 October 2026

These resource consents authorise the Consent Holder to undertake the following activities for the purposes of the construction, operation, maintenance and improvement of the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project.

The resource consents granted authorise the following activities:

(a) Land disturbing activities (including earthworks, vegetation clearance, vegetation planting, roading, tracking, stockpiling and disposal of fill) under section 9 of the Resource Management Act 1991 (RMA) and associated discharges of contaminants to land and into water and air under section 15 of the RMA (RC01).

(b) Works in, on, under or over Watercourses under section 13 of the RMA (RC02). including:

(i) The use, placement and erection of structures (including bridges, culverts, discharge outlets and associated erosion control structures);

(ii) Reclamation of the beds of Watercourses; and

(iii) Any associated bed disturbance.

(c) The taking, damming and diversion of water under section 14 of the RMA (RC03).

(d) The discharge of stormwater under section 15 of the RMA during operation of the Project (RC04).

(e) Activities under the Resource Management (National Environmental Standards for Freshwater Management) Regulations 2020 (NES-FW) (RC01-RC05).

These activities may occur in, on or over land designated by the New Zealand Transport Agency for the construction, operation and maintenance of a State Highway near the intersection of SH1 and Baldrock Road, and through the Brynderwyn Hills to Waipū.

Definitions

Term	Definition
Ahuroa Water Treatment Plant	The Ahuroa Water Treatment Plant and associated intake, weir, trunk water main and related water supply infrastructure located within the Ahuroa catchment.
Consents	Consents RC01 – RC05 (unless otherwise specified).
Consent Holder	New Zealand Transport Agency Waka Kotahi.
Council	Northland Regional Council.

Term	Definition
Designation(s)	The designation(s) for the Project included in the Kaipara District Plan and the Whangārei District Plan.
ESC	Erosion and Sediment Control.
First Gas	First Gas Limited.
Gas Pipeline	First Gas Maungaturoto Gas Mainline.
GD05	Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region; June 2016; Guideline Document 2016/005 (incorporating Amendment 3).
Hapū	Representatives authorised by Te Uri o Hau, Patuharakeke Te Iwi Trust Board and Te Parawhāu ki Tai (representing Te Parawhau and Te Pouwhenua o Tiakiriri Kukupa Trust)~~Te Parawhau ki Tai~~.
Highly Sensitive Receptors	Locations where there are activities that are sensitive to dust effects, such as dwellings, schools, marae, hospitals, child-care and aged-care facilities.
Major Cut	The excavation or installation of a structure greater than 2m below the water table.
Management Plan(s)	The management plans and reports required by Conditions [RCX], [RCX].
National Grid Transmission Assets	Henderson to Marsden A (220kV high voltage transmission line) (HEN-MDN-A).
Existing Wetland(s)	Wetlands identified in **Appendix [A].**
NZTA SWTS~~STWS~~	NZ Transport Agency *Stormwater Treatment for State Highway ~~Road~~ Infrastructure* (May 2010).
Project	The construction, operation, maintenance and improvement of the Brynderywn Hills section of the Alternative to the Brynderwyn Hills project.
Project Works	Activities undertaken to construct the Project.
RMA	Resource Management Act 1991.
Site	The area defined by the boundary of the Designation(s).
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence in the relevant field of expertise.
Transpower	Transpower New Zealand Limited.

Term	Definition
TSS	Total Suspended Solids.
Trigger Event	An event in which there is (or is forecast to be) rainfall intensity of 25mm in any 24 hour period or 15mm in any 1 hour period.
Watercourse(s)	Perennial and intermittent rivers and streams but not overland flow paths, conveyance channels or Wetlands.
Wetland(s)	Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions (excluding constructed wetlands).
Wildlife Approval	The approval issued by the Expert Panel under the Wildlife Act 1953 for the Project (Reference WA#).
Working Day(s)	Has the same meaning as s2 of the RMA.

…

CONSTRUCTION METHODOLOGY

Conditions RC10-RC15 apply to Consent RC01-RC03 and RC05.

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RC14 Procedures must be implemented:

(a) To avoid concrete leachate discharges to Watercourses or Existing Wetlands, including:

(i) No concrete batching or preparation within 50m of any Watercourse or Existing Wetland;

(ii) That pouring concrete occurs only in dry areas outside running water;

(iii) That new concrete surfaces are covered for a sufficient period after pour to prevent run off; and

(iv) Using prefabricated concrete pipes and structures where practicable).

(b) For the storage of fuels, lubricants, hazardous and/or dangerous materials to avoid discharges to, or to land in circumstances that could lead to, Watercourses and Existing Wetlands; and

(c) For operating machinery to ensure spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery services and maintenance (which ~~shall~~must be carried out away from any surface water).

(d) For notifying Whangārei District Council Water Services, Northland Waters (if operational) and Northland Regional Council within 24 hours of any discharge, spill or other incident that may adversely affect the Ahuroa Water Treatment Plant source water catchment.

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LAND DISTURBING ACTIVITIES

Conditions RC16-RC27 apply to Consent RC01.

Dust management

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Erosion and Sediment Control

Erosion and Sediment Control Plan

RC19 An **Erosion and Sediment Control Plan** (**ESCP**) ~~shall~~must be prepared. The purpose of the ESCP is to set out the measures to be implemented during construction to minimise erosion and the discharge of sediments from the Project Works.

RC20 The ESC outcomes that ~~shall~~must be achieved as far as practicable through implementation of the ESCP are:

(a) Minimising erosion and sediment discharges from earthworks and works within Watercourses to protect receiving environments;

(b) Maximising the use of non-structural ESC measures;

(c) Monitoring all ESC measures (both structural and non-structural) and associated sediment discharges to allow for ongoing continuous improvement of ESC implementation and effectiveness; and

(d) Minimising exposed earthworks through the implementation of progressive stabilisation.

RC21 The ESCP ~~shall~~must be prepared:

(a) In accordance with GD05 (except as otherwise provided in these conditions); and

(b) To require all ESC measures to be designed, constructed and maintained to comply with the ESC Standards outlined in **Appendix [C]** (unless ESC Standards provide for alternatives in a certified CESCP).

RC22 The ESCP ~~shall~~must include the following information:

(a) A description of structural and non-structural ESC measures to be installed prior to and during all Project Works for representative parts of the Project;

(b) Procedures for:

(i) Ensuring advance warning of a Trigger Event;

(ii) Decommissioning ESC measures;

(iii) Determining the staging and sequencing of earthworks; and

(iv) Establishing and defining minor changes to ESC measures, which would not require further certification by the Council prior to implementation.

(c) Incident management protocols~~;~~, including specific protocols relating to the Ahuroa Water Treatment Plant, which must include:

(i) the notification procedures set out in Condition [RC14(d)];

(ii) where Project Works occur within the Ahuroa Water Treatment Plant source water catchment, specific measures and procedures to avoid, remedy or mitigate adverse effects on source water quality; and

(iii) procedures relating to investigation, reporting and implementation of corrective actions where monitoring identifies material Project-related effects at the Ahuroa Water Treatment Plant;

(d) Details of a Suitably Qualified Person who will be contactable at all times to manage the ESC measures and all other staff who have responsibilities and decision-making roles in relation to ESC measures (including chemical treatment systems) and associated works;

(e) A Chemical Treatment Management Plan (ChemTMP) which ~~shall~~must include the details outlined in **Appendix [C]**.

(f) A Continuous Improvement Programme (CIP) ~~to plan for continuous improvement as to the effectiveness of the ESC measures employed on Site~~, which must include the requirements outlined in **Appendix [C]**.

Stabilisation

RC23 Earthworks shall be subject to stabilisation in a progressive manner as earthworks are completed. If an area is not subject to earthworks activities for a maximum 14-day period it ~~shall~~must be stabilised. This stabilisation ~~shall~~must include all earthworks activities, spoil sites and completed sections of vertical cut faces and fill batters.

Winter works

RC24 Earthworks may be carried out during the winter period 1 May to 30 September inclusive provided that a winter application has been submitted to Council for certification that the application outlines:

(a) The nature of the proposed winter works, including the proposed locations;

(b) Identification of higher risk activities and locations;

(c) The proposed ESC methodologies and any additional ESCs required to manage the higher risk associated with working during the wetter winter period (e.g. chemical treatment of sediment retention ponds); and

(d) The proposed monitoring and maintenance schedule of the proposed ESC methodologies.

RC25 Unless earthworks during the winter periods been certified by the Council monitoring team in a particular area in accordance with Condition [RC24], all areas ~~shall~~must be stabilised in accordance with Condition [RC25].

Construction Erosion and Sediment Control Plans

RC26 A CESCP ~~shall~~must be prepared before starting land disturbance activities in any area of the Site. The purpose of the CESCP shall be to demonstrate how compliance with the ESCP will be achieved in relation to the specific Project Works being undertaken on the relevant area of the Site.

RC27 The CESCP ~~shall~~must be prepared taking into account the ESCP and the ESC standards in **Appendix [C]**. Where practicable, the CESCP ~~shall~~must be in a plan format and align with the associated risk of the specific area of works or the specific activity to which the CESCP applies. The CESCPs ~~shall~~must include the following information:

(a) Earthwork and streamwork construction methodologies (taking account of any unexpected conditions such as changes in geology);

(b) Identification of all discharge points to land or surface water;

(c) Identification of high risk areas for sediment generation and implementation of ESC measures appropriate to the identified-risk area;

(d) Details of the proposed work sequence and procedures to prioritise non-structural ESC elements that promote the reduction of sediment generation and yield;

(e) Identification of any specific non-structural elements to be implemented including identification of specific personnel responsible for the ESC measures for the specific SSESCP area and/or activity;

(f) Design specifications for all ESC measures including supporting calculations where appropriate, contributing catchment area, retention volume of structure (dead storage and live storage measured to the top of the primary spillway); shape of structure (dimensions of structure); safety and access, position of inlets and outlets; stabilisation of the structure, and maintenance provisions;

(g) A plan showing contours, cut and fill operations, the location of all ESC measures, and the location of catchment boundaries relevant to the ESC measures on the Site; and

(h) Chemical treatment design and details specific to the stage, consistent with the ChemTMP.

RC27A Any as-built plans and CESCPs relating to earthworks within the Ahuroa Water Treatment Plant source water catchment must be provided to the Whangārei District Council Water Services and Northland Waters (if operational) for information before any earthworks are undertaken.

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OPERATIONAL STORMWATER

Conditions RC50-RC58 apply to Consent RC04.

Stormwater Detailed Design Report

RC50 A **Stormwater Detailed Design Report (SDDR)** ~~shall~~must be prepared by a Suitably Qualified Person. The purpose of the SDDR is to appropriately manage stormwater from the Project and it must ~~outline~~ show how the detailed design of the stormwater management system for the Project will achieve~~s~~ the following requirements:

(a) Treatment of stormwater run-off from the State Highway carriageway during operation of the Project to achieve 75% TSS removal on a long-term and annual average basis;

(b) Management of stream flow effects (for example, extended detention, riparian protection and planting or alternative approaches determined appropriate by the Suitably Qualified Person);

(~~b~~c) Constructed wetlands and wetland swales ~~shall~~ must be designed in accordance with NZTA SWTW~~W~~S; ~~and~~

(~~c~~d) Constructed wetlands ~~shall~~ must be located offline from Watercourses~~.~~; and

(e) Where stormwater discharges enter the catchment of the Ahuroa Water Treatment Plant, incorporation of measures to avoid, remedy or mitigate adverse effects on the public drinking water source.

RC51 The SDDR ~~shall~~must include:

(a) A description of the receiving environment;

(b) Measures to achieve the stormwater management requirements outlined in [RC50] above; and

(c) Design drawings, planting plans (where relevant to the stormwater design) and design methodologies and that demonstrate how compliance with the stormwater management requirements outlined in [RC50] has been achieved.

RC51A Where Project Works occur within the catchment of the Ahuroa Water Treatment Plant, the Consent Holder must consult with Whangārei District Council Water Services and Northland Waters (if operational) during preparation of any SDDR. Where consultation has occurred, the SDDR must include:

(a) a summary of consultation undertaken; and

(b) how feedback has been incorporated, or reasons why it has not been incorporated.

Operational stormwater - construction

RC52 A stormwater management system ~~shall~~must be constructed in general accordance with the SDDR certified in accordance with Condition [RC6(b)].

RC53 Stormwater management devices used for:

(a) Stormwater treatment ~~shall~~must be fully operational before Completion of Construction; and

(b) Extended detention, where required, ~~shall~~must be fully operational prior to the discharge of water from any ~~-~~sealed area identified any device.

As-built plans – stormwater management system

RC53A Within one month of construction, a copy of any as-built plans for the stormwater management system relating to the catchment of the Ahuroa Water Treatment Plant must be provided to Whangārei District Council / Northland Waters (if operational) for information.

Operational stormwater maintenance

RC54 The stormwater management system constructed in accordance with Condition [RC52] ~~shall~~must be operated and maintained to meet the requirements of [RC50] for the duration of this consent.

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APPENDIX C – Earthwork Details

ESC Standards

S1 All ESC measures ~~shall~~must be located outside the 20 year ARI flood level, unless no other viable location exists.

S2 Clean and dirty water diversion channels ~~shall~~must be sized to accommodate the flow from a 100 year ARI storm event where practicable, and at a minimum, the flow from a 20 year ARI storm event and an additional 300 mm freeboard.

S3 All silt and super silt fences ~~shall~~must be designed with a return upslope at the base of the fence to ensure robustness of the device.

S4 Whenever practicable, streamworks activities and associated works ~~shall~~must be undertaken with stream diversions in place to accommodate up to the 20 year ARI rain event. All stream flows above the 20 year ARI rain event ~~shall~~must be diverted, via systems (such as overland flow paths) capable of conveying the 100 year ARI rain event flow around the works area or through the works area in a stabilised flow path.

S5 Unless otherwise specified in a certified CESCP, all SRP volumes ~~shall~~must be designed based on 3% of the contributing catchment area and ~~shall~~must contain reverse slopes in the base of ponds, baffles and decant pulley systems and a forebay with a volume of 10% of the pond volume.

S7 The ESC ~~shall~~must include the installation of a last line of defence, which ~~shall~~must include measures to protect freshwater receiving environments from erosion and sediment discharges (such as additional bunding, silt fences, super silt fences or alternative as defined in the CESCP for that particular CESCP area or activity).

S8 All dirty water diversion channels ~~shall~~must be designed and constructed with sediment sumps at locations specified in the CESCP with a minimum volume of $2m^3$ per sump.

Chemical Treatment Management Plan Requirements

The Chemical Treatment Management Plan required by Condition [RC22(e)] ~~shall~~must include the following details:

(a) Specific design details of the chemical treatment system (including locations where this is necessary) based on a rainfall or flow activated and manual batch dosing methodology for the site's sediment retention ponds (SRPs), decanting earth bunds (DEBs) and any impoundment systems and any other sediment detention or flow device system as may be employed on Site;

(b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);

(c) Details of flocculant and optimum dosage (including assumptions);

(d) Results of initial chemical treatment trial; and

(e) A spill contingency plan of relevance to the flocculant used and the associated material safety data sheet.

Continuous Improvement Programme Requirements

The CIP required by Condition RC[22(f)] ~~shall~~must identify how the ESC outcomes in [RC20(c)] are to be achieved and include:

(a) A description of:

(i) TSS and / or NTU thresholds that trigger management responses ("management triggers"); and

(ii) The qualitative monitoring outcomes required following each Trigger Event.

(b) Procedures for:

(i) Monitoring a selection of identified ESC measures, at ~~(including flocculation) and~~ upstream and downstream of discharge locations after a Trigger Event;

(ii) Monitoring discharges from SRPs and DEBs to confirm the effectiveness of flocculation, and that pH levels of any discharge are not less than 5.5 (unless otherwise approved in a CESCP);

(iii) Automatic rainfall monitoring using at least two (2) rain gauges located on Site;

(iv) Automated continuous s~~S~~ampling from four (4) identified SRPs to measure TSS and/or NTU of discharge points including two (2) SRPs in the Ahuroa Water Treatment Plant source water;~~of a selection of identified 'high risk' sediment retention devices, at the time of a discharge and as a result of a Trigger Event;~~

~~(v) Establishing a relationship between TSS and NTU to enable the determination of sediment yields for the Project;~~

(v~~i~~) Automated continuous flow ~~Ongoing~~ monitoring (measured in m^3/sec) of the discharges out of the same four (4) SRPs, identified in (iv) above~~with at least two SRPs representing 'high risk' locations~~;

(vi) Establishing a relationship between TSS and NTU by laboratory analysis for the specific catchments in question to enable the determination of sediment yields for the Project;

~~(vii) Automatic sediment sampling at the same four selected SRPs to measure outflow of TSS and / or NTU; and~~

(vii~~i~~) responding to exceedances of TSS and / or NTU thresholds (including reporting to Council, investigating possible causes and effects, identification of potential linkages between on-site practices and these effects, assessing the effectiveness of on-site practices and remedial actions (where necessary).

(c) Where monitoring results confirm management triggers identified in (a) above are exceeded, the following steps must be implemented:

(i) In the first instance, investigate a possible (cause-effect) association with Project Works;

(ii) Should this investigation establish linkages between any effect and on-site practices, then investigate alterations to the operational methods (including modifications to environmental control measures and methodologies) as a first order response;

(iii) Assess the effectiveness of the alterations in construction methods by conducting further monitoring to alleviate/avoid adverse effects on the environment; and

(iv) Assess the need for, and nature of, any remedial action including ecological response and/or any response required to address Project construction-related impacts at the Ahuroa Water Treatment Plant.

NORTHLAND CORRIDOR – BRYNDERWYN HILLS SECTION OF THE ALTERNATIVE TO THE BRYNDERWYNS HILLS PROJECT – PROPOSED SOIL CONTAMINATION CONSENT CONDITIONS

Draft as at 28 October ~~13 July~~ 2026

This resource consent authorises the Consent Holder to undertake soil disturbing activities for the construction, operation and maintenance of the Brynderwyn Hills section of the Alternative to the Brynderwyns Hills project under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).

DEFINITIONS

Abbreviation/term	Meaning/definition
CLMG1	Ministry for the Environment *Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand* (Revised 2021).
CLMG5	Ministry for the Environment *Contaminated land management guidelines No 5: Site investigation and analysis of soils* (Revised 2021)
Consent Holder	New Zealand Transport Agency Waka Kotahi
Council	[Kaipara District Council / Whangārei District Council]
Designation(s)	The designation(s) for the Project, included in the [Kaipara District Plan / Whangārei District Plan].
Hapū	Representatives authorised by Te Uri o Hau, Patuharakeke Te Iwi Trust Board and Te Parawhāu ki Tai (representing Te Parawhau and Te Pouwhenua o Tiakiriri Kukupa Trust)~~Te Parawhau ki Tai~~
Management Plan(s)	Refers to the management plans required by Conditions [RC9] and [RC11].
Project	The construction, operation, maintenance and improvement of the Brynderwyn Hills section of the Alternative to the Brynderwyn Hills project.
Project Works	Activities undertaken to construct the Project.
Site	The area defined by the boundary of the Designation(s).
Suitably Qualified Person	A person (or persons) who can provide sufficient evidence to demonstrate their suitability and competence in the relevant field of expertise.
Working Day	Has the meaning in s2 of the RMA.

Consent lapse and expiry

RC1 This consent shall lapse 20 years from the date of commencement unless it has been given effect to, surrendered or cancelled at an earlier date.

Management Plan Process

RC2 The Management Plans listed in **Table** [**1**] ~~shall~~must be prepared in accordance with the conditions of this consent.

RC3 A Management Plan may be updated at any time by submitting the amendment to the Management Plan to Council for information. However, where an update to a Management Plan shall result in more than minor adverse effects, the amendment to the Management Plan ~~shall~~must be submitted to Council for certification at least 10 Working Days before implementation of the amendment.

Table 1:

Management Plan	**Certification requirements**	**When to submit**	**Implementation period**
Contaminated Site Management Plan (CSMP)	Conditions [RC4(d)] and [RC10]	At least 30 Working Days before the start of soil disturbing activities to Council for certification	For the duration of Project Works
Remedial Action Plan (RAP)	Conditions [RC4(d)] and [RC12]	If required in accordance with Condition [RC11], at least 30 Working Days before the contaminated site is disturbed to Council for certification	For the duration of Project Works subject to the RAP

RC4 A Management Plan(s) ~~shall~~must be:

(a) Prepared by Suitably Qualified Persons;

(b) Submitted, within the timeframes set out in Table 1 to Council for certification that the Management Plans satisfy the requirements of the conditions identified in **Table 1.**

(c) Implemented for the period outlined in **Table 1**, for the specific activities and / or stage to which it relates; and

(d) Prepared in consultation with relevant Hapū. Where Management Plans are provided for certification, it ~~shall~~must:

(i) Include a summary of consultation undertaken with Hapū in the preparation of the Management Plan; and

(ii) Outline either how feedback has been incorporated, or if not, the reasons for that.

~~RC5 If a Management Plan (or amendment) has been submitted to Council for certification, and the number of Working Days specified in the "When to submit column" in **Table 1** has passed and the Council has not provided certification or advised that the Management Plan or amendment does not meet the requirements in the "Certification requirements" column in **Table 1**, the Management Plan shall be deemed to have been certified.~~

RC~~5~~6 A Management Plan(s) and the Site Validation Report required by Condition [RC14] may be prepared in stages to reflect any proposed staging (e.g. activity, location or timing) of the Project Works, and if submitted in stages, the scope is to be commensurate with the nature, scale and effects of that stage.

Detailed Site Investigation

RC~~6~~7 A **Detailed Site Investigation (DSI)** ~~shall~~must be undertaken before the start of Project Works by a Suitably Qualified Person:

(a) In any of the locations where Project Works are proposed to occur that are identified in **Appendix [A]**; and
(b) In accordance with the requirements of section 2.3 of CLMG1 and CLMG5.

RC~~7~~8 A report summarising the outcomes of the DSI ~~shall~~must be provided to Council for information within 10 Working Days of completion (including any recommendations for inclusion in the CSMP or RAP required by [RC9] and [RC11] (as relevant)).

RC8 No soil disturbing activities (including excavation or dewatering) may be undertaken in any of the locations identified in Appendix [A] until the DSI required by Condition [RC6] has been completed in that location.

Contaminated Site Management Plan

RC9 A **Contaminated Site Management Plan (CSMP)** ~~shall~~must be prepared. The purpose of the CSMP is to identify measures to manage potential risks from disturbance of contaminated soils (including from unexpected discovery) to the health of workers, and adverse effects on the environment.

RC10 The CSMP ~~shall~~must be prepared in accordance with the requirements of section 1.3 and 2.4 of the CLMG1 and include:

(a) A summary of results of soil sampling as part of the DSI in accordance with Condition [RC~~6~~7];
~~(a)~~(b) Any recommendations from the DSI undertaken in accordance with Condition [RC6];
~~(b)~~(c) 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 (where practicable) but not limited to:

(i) Personal protection

(ii) On-Site soil management practices, including stockpile and dust management and stormwater and sediment controls;

(iii) A framework and protocols for reuse of contaminated soils, including measures to manage risks from any identified hydrocarbon and metal impacted material;

(iv) Off-Site transport and disposal of soil;

(v) On-Site management controls and practices confirmed for contaminated groundwater; and

(vi) Monitoring measures to confirm compliance with the CSMP; and

(d) Contingency measures that will apply in the event of accidental/unexpected discovery of contaminated soils, including:

(i) procedures to temporarily stop works, notify the Council, have a Suitably Qualified Person test the soils to determine the relevant contamination;

~~(vii)~~(ii) a process to update the CSMP (if changes to the effects management measures are determined necessary by a Suitably Qualified Person). ~~-~~

Remedial Action Plan

RC11 If the CSMP identifies contaminated soils that will be disturbed during Project Works and require remediation within the Site, a **Remedial Action Plan (RAP)** ~~shall~~must be prepared. The purpose of the RAP is to identify a remedial strategy and controls to mitigate the risk posed by any contaminants identified in the CSMP.

RC12 The RAP ~~shall~~must be prepared in accordance with the requirements of section 1.3 and 2.7 of the CLMG1 and include:

(a) The remediation or management goal;

(b) Remediation methodology, including:

(i) rationale, with a clear and systematic plan for remediation works and how to evaluate their success in achieving the remediation or management goal;

(ii) any recommendations from the DSI undertaken in accordance with Condition [RC6];

~~(b)~~(c) Contingency measures if the remediation works fail to achieve the remediation or management goal; ~~and~~

(d) A site validation sampling plan~~.~~; and

~~(c)~~(e) A process to update the RAP following implementation of the contingency measures for accidental / unexpected discoveries in the CSMP (if changes to the effects management measures are determined necessary by a Suitably Qualified Person).

Site Validation Report

RC13 Following completion of Project Works in an area to which the RAP applies, a **Site Validation Report (SVR)** ~~shall~~must be prepared. The purpose of the SVR is to validate that the objectives of the RAP have been achieved.

RC14 The SVR ~~shall~~must be prepared by a Suitably Qualified Person in accordance with the requirements of section 1.3 and 2.8 of CLMG1.

RC15 The SVR ~~shall~~must include:

(a) The location and dimensions of the excavations (of contaminated soils) carried out, including a relevant site plan;
(b) Records of any unexpected contamination encountered during the Project Works;
(c) Soil validation results for areas where remediation has been carried out and/or where unexpected contamination has been encountered;
(d) A summary of where material removed from the Site has been disposed, and where any clean fill imported onto the Site has been obtained from; and
(e) The requirements for any ongoing monitoring and management (if any contamination is contained on-Site).

RC16 The Consent Holder must provide the SVR to the Council for certification that it satisfies the requirements of Conditions [RC14]-[RC15] within 6 months of completion of Project Works in an area where a RAP applies.