

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

Draft as at 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 <i>Contaminated land management guidelines No 1: Reporting on contaminated sites in New Zealand</i> (Revised 2021).
CLMG5	Ministry for the Environment <i>Contaminated land management guidelines No 5: Site investigation and analysis of soils</i> (Revised 2021)
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 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 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 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 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:

- (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.
- RC6 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

- RC7 A **Detailed Site Investigation (DSI)** shall 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.
- RC8 A report summarising the outcomes of the DSI shall be provided to Council for information within 10 Working Days of completion.

Contaminated Site Management Plan

- RC9 A **Contaminated Site Management Plan (CSMP)** shall 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 be prepared in accordance with the requirements of section 1.3 and 2.4 of the CLMG1 and include:
- (c) A summary of results of soil sampling as part of the DSI in accordance with Condition [RC7];
 - (d) 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 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
- (e) Contingency measures that will apply in the event of accidental/unexpected discovery of contaminated soils.

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 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 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 rationale, with a clear and systematic plan for remediation works and how to evaluate their success in achieving the remediation or management goal;
 - (c) Contingency measures if the remediation works fail to achieve the remediation or management goal; and
 - (d) A site validation sampling plan.

Site Validation Report

- RC13 Following completion of Project Works in an area to which the RAP applies, a **Site Validation Report (SVR)** shall be prepared. The purpose of the SVR is to validate that the objectives of the RAP have been achieved.
- RC14 The SVR shall 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 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.