Attachment 2

Takitimu North Link - Stage 2

NZ Transport Agency Waka Kotahi (*NZTA*) response to comments from Bay of Plenty Regional Council (*BOPRC*) dated 9 December 2025

Since lodgement of the Substantive Application, NZTA has engaged further with BOPRC to narrow the few outstanding areas of disagreement with respect to the Application and conditions. NZTA appreciates the constructive approach BOPRC has taken towards engagement, and the detailed feedback it has provided. Prior to the Panel's invitation to comment under s53, NZTA undertook a comprehensive exercise to update the conditions in response to BOPRC feedback, where appropriate, as well as making significant format / structure updates to best 'marry up' with BOPRC's conditions software, and make it easier for BOPRC to administer the consents. The current proposed consent conditions (Appendix 9.1.2 (October 2025)) (*Conditions*) provide a 'hybrid' approach in terms of structure. They incorporate some of BOPRC's structural requests, but not all, as there are some that NZTA consider will undermine the intent of the conditions and how they are supposed to operate, and some that NZTA consider would make the condition set repetitive and impractical for the Panel and commenters to manage through the Fast-track Approvals Act 2024 (*FTAA*) process.

There remain some areas of disagreement between NZTA and BOPRC in terms of the merit of some conditions, for which conversations with BOPRC are ongoing. Many of these areas of disagreement involve BOPRC's desire to retain its 'standard' conditions that it generally applies on all consents (ie consents that are not obtained under the Fast-track Approvals Act 2024), which NZTA do not consider are necessary or appropriate for this Project. There are also some remaining areas of disagreement between BOPRC's experts and NZTA's experts regarding the effects of the Project on wetlands and streams and the extent and nature of ecological mitigation required, resulting in differences of opinion on the conditions required. These matters have been the subject of extensive discussions between the respective experts (including subsequent to lodgement of the Application, Panel Convener and Project Overview conferences), however differing technical opinions remain. NZTA considers these differences of technical opinion are ultimately matters for the Panel to consider and determine which assessment and approach it prefers.

That said, the latest round of discussion has further narrowed the outstanding areas of disagreement and resulted in changes to the Proposed Resource Consent Conditions. NZTA is considering further updates to the Conditions in response to BOPRC's comments and proposed condition changes (in particular parts 2 and 3 of BOPRC's comment). NZTA will provide updated, track change and clean versions of the Proposed Resource Consent Conditions, addressing BOPRC's comments where appropriate, to the Panel for consideration by 23 December.

NZTA's response to comments in the table below are supported by the statements of evidence of Mr Andrew Blayney (Attachment 2A) and Mr Jeremy Garrett-Walker (Attachment 5B). This table should be read concurrently with those statements of evidence.

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16.1	Section 3.1	Deemed certification	*"BOPRC do not support deemed certification / default certification which would deem certain plans to have been certified if BOPRC have failed to certify them within the specified time period. This has the potential to result in sub-standard plans, which haven't been certified, to be adopted by default with sub-optimal sustainable management outcomes. Alternative conditions have been proposed instead of deemed certification."*	NZTA's position is that: • It has provided ample time for BOPRC to review and certify draft management plans to be provided to them in the Conditions. Any extension of the certification process timeframes provided for in the Conditions would be unreasonable and contrary to BOPRC's duty to avoid unreasonable delay. • The Project cannot be indefinitely held up as a result of an unreasonable and indefinite delay in BOPRC providing certification of the management plans. • The provision of deemed certification of management plans is consistent with the approach taken for other management plans that are to be provided to the other agencies for certification. NZTA therefore disagrees with BOPRC's comments.
16.2	Section 3.2	Written certification	*"The applicant has proposed some conditions whereby management plans / documents / plans are provided to BOPRC for information purposes only. BOPRC have recommended conditions that require management plans /documents / plans are provided to BOPRC for written certification by a suitably qualified and experienced professional."*	NZTA does not consider it necessary for BOPRC to certify all management plans. NZTA's position is that management plans containing content relating to the management of effects should be provided to BOPRC for certification. Where management plans do not contain any measures to manage effects, these management plans will be provided to BOPRC for information only. NZTA's Conditions have been prepared accordingly. NZTA therefore disagrees with BOPRC's comments.
16.3	Section 3.3	Stream recreation / realignments	*"The key difference of opinion between the applicant and BOPRC concerns the tier of the effects management hierarchy in the National Policy Statement for Freshwater Management (NPS-FM) is applied to manage the loss of stream value and extent due to reclamation…*	NZTA's position is that a diversion does not result in a loss of extent or value of streams (provided the diversion is the same length as the stream replaced). NZTA's expert Mr Garrett-Walker considers the new channels of the diversions to be a complete remedy of flow and aquatic habitat reclamation. The replacement of the same amount, type and condition of aquatic habitat, in the

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			The applicant considers that the effects associated with stream reclamation are to be remedied through the creation of new stream channels / lengths…BOPRC disagree that this is a form of remediation. The loss of stream length is not being addressed by remedying at the site of impact, but by offsetting stream loss at alternative locations within the wider landscape. *Consent conditions have been recommended to address the loss of stream extent and values and recreated / realigned streams. DOC have provided support for the recommended conditions to address this."*	same flow location, at a 1:1 replacement quanta achieves an appropriate remedy. Furthermore, the design and implementation of these diversions specifically aim to improve habitat conditions and support greater aquatic fauna health and diversity, compared to the existing streams. While the 1:1 replacement ratio establishes the minimum requirement for maintaining stream extent and function, additional enhancement measures, such as improved instream habitat features, and water quality controls are incorporated as the new habitat establishes. These enhancements not only offset the lag effect but are expected to result in a net improvement in the overall ecological value of the streams over time, beyond simply replacing what was lost. Please see paragraphs [26-35] of the statement of evidence from Mr Garrett-Walker for further details. NZTA therefore disagrees with BOPRC's comments and opposes the suggested additional conditions as they are unnecessary.
16.4	Section 3.4	Wetland offset ratio	"*1:1:1 (loss: creation: restoration) is not supported. BOPRC does not consider that wetland restoration is equivalent to wetland creation as it still results in a loss of wetland extent overall. If restoration is used, the ratio should be higher and should reflect the type/intensity of restoration undertaken and maintenance should continue for the duration of the consent (or longer). Consent conditions have been proposed requiring 1:1:3 for wetland loss: creation: restoration."*	Mr Blayney considers that the 1:1:1 (loss : creation : restoration) ratio for moderate value wetlands is appropriate. A condition requiring a 1:1:3 (loss : creation : restoration) ratio would be far more onerous than necessary, and disproportionate to the effects of the Project. This comment is addressed further in the Statement of Evidence of Mr Blayney at paragraphs [10-13]. NZTA therefore opposes BOPRC's suggested condition as it is onerous and unnecessary.
16.5	Section 3.5	Maintenance of wetland restoration areas	*"Maintenance of wetland restoration areas for the duration of the relevant consent. The applicant does not consider that wetland restoration areas need to be maintained for the duration of the relevant consent whereas BOPRC consider this to be required."*	NZTA does not agree that wetland restoration areas must be actively maintained for the entire duration of the consent. Mr Blayney's assessment is that ongoing maintenance is only necessary until the restored wetland areas are demonstrably self-sustaining. The restoration programme involves active management, including staged planting, pest plant and animal control, and monitoring. The intent of the restoration programme (as required per NZTA's Conditions) is that, once the wetland restoration areas are demonstrably self-sustaining, active maintenance can cease. NZTA proposes ongoing monitoring to confirm that restoration areas meet success criteria, with contingency actions identified should outcomes not be achieved within the expected timeframe. The maintenance of the planted areas, including riparian areas, is tied to the achievement of performance criteria for planting (Conditions 28.4 and 28.5). Condition 27.1(c) also requires success monitoring of stream realignments as compared to baseline data and the designs required by Conditions 27.1(a)(ix) and 27.1(a)(x). Mr Blayney and Mr Garrett-Walker consider that using performance metrics such as these detailed within the Conditions is more robust than arbitrary timeframes (such as consent duration). This approach ensures that wetland restoration areas are maintained for as long as necessary to achieve a self-sustaining state, but does not require indefinite maintenance for the duration of the consent. For further detail, please refer to: • Appendix 9.4.4. Ecological Effects Assessment, Appendix 10: Wetland Compensation Framework and sections 3.1, 3.2, 3.4, 4.1.1. NZTA therefore opposes the requirement proposed by BOPRC and considers further conditions would be onerous and unnecessary.
16.6	Section 3.6	Contaminated soils	*"…The Detailed Site Investigation(s) (DSI) have not yet been undertaken so the conditions recommended by BOPRC allows for all potential eventualities and enable the consent to be flexible enough to respond to the management plan and remediation requirements of the project. The applicants' proposed conditions do not include all the management plans and remediation requirements that may come out of the DSIs"*	NZTA's view is that its Contamination Conditions are comprehensive and are commensurate to the level of effect caused by the Project. Conditions 43 and 44 require a Detailed Site Investigation (*DSI*) and Contaminated Site Management Plan (*CSMP*). Where the CSMP identifies contaminated soils requiring remediation, a Remedial Action Plan (*RAP*) is to be prepared. Following completion of works in an area to which a RAP applies, a Site Validation Report to confirm the objectives of the RAP have been achieved in that area will be prepared. NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to BOPRC's comments, the updated set of conditions will incorporate those changes.

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16.7	Section 3.7	Temporary discharges	*"BOPRC and the applicant disagree on whether water quality limits should be included for temporary discharges during construction / earthworks. BOPRC consider that water quality limits should be included, particularly for compliance / enforcement purposes."*	NZTA does not consider it is appropriate to set specific numerical water quality limits up front. Sediment retention devices that are designed, constructed and maintained in accordance with the regional erosion and sediment control (*ESC*) guideline and do not continuously comply with a set water quality limit. Instead, they operate with an average efficiency through a storm event, and when assessed across multiple storm events throughout a given earthworks project. The assessment of effects (as in Appendix 9.4.11 the Construction Water Assessment Report) is based on those accepted average efficiencies. Imposing a set water quality limit would be inconsistent with the ESC guidelines and impose a restriction on NZTA that it would not reasonably be able to comply with. As such, NZTA considers BOPRC's suggested condition to be unreasonable and unlawful. Instead, the Conditions require outcomes in relation to water quality targets. The proposed Erosion and Sediment Control Plan (*ESCP*) (Condition 9) requires details of monitoring methodologies and management responses to discharges. The ESCP must be certified by BOPRC and implemented in accordance with its ESC Guidelines. NZTA consider these measures ensure robust monitoring and management of water quality effects throughout the works. That said, NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to BOPRC's comments, the updated set of conditions will incorporate those changes. For further detail, please refer to: • Appendix 9.1.2 Proposed Resource Consent Conditions, conditions 9-13.
16.8	Section 5.4	Referencing reports in conditions	*"High Value Wetlands* *…* *The proposed compensation package needs to be adequately referenced in the consent conditions. The Compensation Modelling Report and / or relevant sections of the EEA are not referenced in the applicant's proposed conditions. This will therefore lead to compliance issues in regards to ensuring that the compensation proposed is enforceable."*	As set out in NZTA's Memorandum of legal submissions, the final design of the Project may differ from the specimen design. "*The Proposed Conditions have been carefully designed to ensure the effects of the Project will be appropriately managed, while providing flexibility as the Project's design is finalised.*" To that end, NZTA opposes references to any technical assessments or reports within its Conditions. The recommendations and outcomes of those reports are already embedded in the requirements of the Conditions. The management plan conditions do not refer to the technical assessment reports submitted with the Application because the proposed conditions specify the recommendations contained within those reports that are necessary to manage the adverse effects of the Project. NZTA's approach is aligned with best practice by ensuring effects management requirements (or performance standards) are set out in "stand-alone conditions" and not reliant on extraneous documentation that may be difficult to locate when the conditions are being implemented.[1] Further, the conditions have been drafted to adhere to case law requirements by identifying what outcomes need to be achieved, with management plans required to develop in detail the actions to be taken to achieve those outcomes.[2] NZTA considers that its outcomes based conditions proposed adequately mitigate the effects of the Project, while maintaining sufficient flexibility for the design process (as is agreed by NZTA's experts). See also the evidence of Mr Blayney at paragraphs [10-13]. NZTA therefore disagrees with BOPRC's comments and does not consider any changes to the conditions are necessary.

[1] *Summerset Villages (Lower Hutt) Limited v Hutt City Council* [2020] NZEnvC 114 at [13].

[2] At [156].

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16.9	Section 5.4	Compensation and offsetting moderate value wetlands	*Moderate Value Wetlands: The offsetting for the loss of wetland extent from moderate value wetlands at a ratio of 1:2 (loss: creation) is supported. The alternative of 1:1:1 (loss: creation: restoration) is not supported. Restoration is not equivalent to wetland creation as it still results in a net loss of wetland extent overall. If restoration is used, the ratio should be higher and should reflect the type/intensity of restoration undertaken. Maintenance of restored areas must continue for the duration of the consent, or longer, as restoration gains typically diminish once maintenance ceases and pests reinvade.* … *If restoration is included in the alternative offset ratio for moderate value wetlands, then it should be at a higher rate than 1:1:1 (wetland loss: creation: restoration). If restoration is used to offset loss of wetland area then this will result in a net loss of wetland extent from an Ecological District with only ~6.9% of its original freshwater wetlands remaining.*	NZTA disagrees with the statements made by BOPRC. NZTA acknowledges that there are differing expert opinions regarding the appropriate offset ratios for impacts on low and moderate value wetlands. The offset ratios proposed by Mr Blayney (1:1 for low value (wetland loss : creation) and 1:2 or 1:1:1 (wetland loss : creation: enhancement) for moderate value wetlands) are based on expert ecological assessment and are considered sufficient to address the identified effects. BOPRC support NZTA's proposed 1:1 for low value and 1:2 for moderate values. BOPRC does not support the alternative of 1:1:1 (wetland loss : creation: enhancement) for moderate value wetlands, and proposes, if restoration is to be included, to have a 1:1:3 ratio. Mr Blayney maintains that the ratios proposed are wholly appropriate and are based on professional opinion with regard to the type, composition, and condition of the wetlands impacted and the ability to recreated equal or greater values in wetland creation and/or restoration areas. DOC also agrees that the ratios proposed by NZTA are appropriate. Any additional offset/compensation on top of that proposed by NZTA would be "more onerous than necessary" to mitigate the effects of the Project and would impose significant additional costs on NZTA, contrary to the purpose of the FTAA. NZTA therefore disagrees with BOPRC's comments and opposes the additional requirement sought.
16.10	Section 5.4	Restoration	*The EEA states that "Where wetlands have been bisected or otherwise impacted by the Project, but a wetland feature remains, or where wetlands are directly adjacent to the earthworks footprint (for example S2b Wetland 24 and S2b Wetland 15), remaining wetlands are to be **restored** and buffered with dense plantings on the road side escarpments to minimise disturbance from construction and operational effects of the road".* *It is unclear from this statement the extent to which remaining wetlands will be restored, specifically:* • *Will restoration apply to the full extent of each remaining wetland, or only to selected areas?* • *Will restoration of these remaining wetlands be subject to the same performance standards and monitoring requirements as those applied to wetlands restored as part of compensation or offset measures?* • *All stormwater treatment infrastructure should be located outside of the wetland as far as practicable. If stormwater treatment infrastructure cannot be located outside of the wetland, the total footprint of that infrastructure should not form part of wetland restoration / revegetation. The area of wetland that has been lost to the stormwater treatment infrastructure should be mitigated in accordance with the offset ratios for wetlands as outlined in BOPRCs recommended conditions.* *To address these uncertainties, conditions should be included setting out the minimum requirements restoring remaining areas of affected wetlands. Conditions should require that the full extent of remaining areas of impacted wetlands are restored, and restoration should meet the performance standards proposed in section 5.5.8 of this document.* *To ensure that appropriate restoration and compensation for wetland loss is achieved, the required restoration and/or wetland creation, including pest control, must be clearly mapped and be included in the conditions, as proposed in section 5.5 below.*	Restoration of the remaining areas of wetlands partially lost is required by Condition 23.1(a)2. These measures are subject to the same performance standards and monitoring as offset and compensation matters. NZTA does not consider that further conditions detailing the specific requirements for the restoration of wetlands is required or appropriate. The Conditions (see Conditions 48, 49, 50 and 51) ensure that no untreated roadway runoff will be discharged into wetlands (with the exception of stormwater treatment wetlands constructed as part of the stormwater management system for the Project). Any loss of wetland as a result of the Project will be mitigated in accordance with the requirements of the Conditions. Refer to the statement of evidence of Mr Blayney at paragraphs [10-13] for more detail in response to the comments made. NZTA disagrees with BOPRC's comments and does not consider any additional conditions or requirements are necessary.
16.11	Section 5.5.1	Written certification	*Ecological Management Plan (EMP) (condition 14.1 of RM25-0466-LC.01)* 1. *The EMP should be submitted to BOPRC for written certification by a suitably qualified and experienced ecologist to certify that it satisfies the conditions of consent. The works should not proceed until written certification of the EMP is provided.*	NZTA's Conditions already provide for a BOPRC certification process for relevant management plans. The condition need not refer to a suitably qualified and experienced person (*SQEP*) certifying management plans on behalf of BOPRC – that is at the discretion of BOPRC, not NZTA. The Ecological Management Plan (*EMP*) will be prepared by a SQEP, as set out in Condition 5.3. BOPRC's proposed condition is therefore unnecessary.
16.12	Section 5.5.2	Wetland management plan	*Wetland Management Plan (WMP) (condition 22.1 of RM25-0466-LC.01)* *The WMP should be prepared by a suitably qualified and experienced ecologist and should include the species to be planted in each planting zone and vegetation tier within wetlands and riparian buffers.*	See response above on item 16.11. The Wetland Management Plan (*WMP*) will be prepared by a SQEP. NZTA's Condition 23.1(a)6. requires details of native wetland plant species in different planting zones and vegetation tiers, with performance standards and a monitoring programme. NZTA considers it is not necessary or

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			The WMP should be submitted to BOPRC for written certification by a suitably qualified and experienced ecologist to certify that it satisfies the conditions of consent. The WMP should be submitted at least 40 working days prior to works commencing to provide adequate time for review.	appropriate to list all species in the consent condition itself, as this detail will be included in the WMP and reviewed as part of the certification process. NZTA's Conditions set the timing for submission of the WMP at 20 working days before works commence, which NZTA consider provides a reasonable period for BOPRC review. BOPRC's proposed conditions are therefore unnecessary.
16.13	Section 5.5.3	Avifauna management plan	*Avifauna Management Plan (condition 24.1 of RM25-0466-LC.01)* *This plan should be submitted to BOPRC for written certification by a suitably qualified and experienced ecologist to certify that it satisfies the conditions of consent. It should be required as a sub-plan of the EMP and be implemented for the duration of the project. Conditions have been recommended setting out the minimum requirements of this plan.*	See the response above on item 16.11. The Avifauna Management Plan (*AVMP*) is proposed to be a sub-plan of the EMP and implemented for the duration of Project Works. The AVMP has a purpose to manage effects / disturbance during Construction Works on native avifauna species, particularly cryptic wetland species. The AVMP is therefore not relevant after the completion of Construction Works and accordingly need not apply during operation of the Project. BOPRC's proposed condition is therefore unnecessary.
16.14	Section 5.5.4	Bat management plan	*Bat Management Plan (BMP) (condition 25.2 of RM25-0466-LC.01)* *The BMP must be prepared by a suitably qualified and experienced ecologist / bat specialist. The BMP should be submitted to BOPRC for written certification by a suitably qualified and experienced ecologist to certify that it satisfies the conditions of consent.* *The latest version of the Department of Conservation's Protocols for Minimising the Risk of Felling Occupied Bat Roost (Bat Roost Protocols) should be referenced as a minimum standard in the conditions. Species selection and planting plans, mut take into account, the New Zealand Bat Recovery Group Advice Note – Planting to provide roosts 2 for bats in the long-term.*	See the response above on item 16.11. Generally, NZTA's approach for this Project has been to avoid inserting references to external documents, guidelines, protocols into the conditions so as to avoid locking in compliance with documents that are intended to *guide* management of effects and not *stipulate* the methods of managing effects. As set out in the evidence of Mr Blayney at [21], the Bat Management Plan (*Bat MP*) is instead required to provide detail on *current* best practice for tree removal protocols, where roost felling is not able to be avoided (Condition 26.2(a)3.) The Bat MP, if required, will identify all appropriate methods to be adopted to avoid and/or minimise adverse effects on bats. It will, in particular, include identification of required habitat replacement and / or restoration to manage the effect of habitat loss on bats. For more information, please refer to: • Appendix 9.1.2. Proposed Resource Consent Conditions, Condition 26. • Statement of evidence of Mr Blayney at paragraphs [17-21]. NZTA therefore disagrees with BOPRC's comments and considers the proposed conditions are unnecessary.
16.15	Section 5.5.5	Lizard management plan	*BOPRC recommend that the LMP is included in the BOPRC conditions. The Department of Conservation have suitably qualified and experienced ecologists who can certify this plan. BOPRCs recommended condition regarding the LMP reflects this.*	NZTA's position is that it would not be appropriate for the Lizard Management Plan (*LMP*) to be required to be certified by both DOC and BOPRC. Effects on lizard habitat as a result of the Project relate to the effects of the consents sought, and are dealt with through the resource consent conditions (e.g., protection and enhancement of lizard habitat via ecological mitigation, planting, landscaping). Effects on lizard habitat will be dealt with through the EMP prepared under the Conditions, and that management plan will be certified by BOPRC as the relevant regulator. Effects on lizards themselves (ie, as a result of handling/relocating) are the subject of the Wildlife Approval, and to be dealt with via the Wildlife Approval conditions and LMP and certified by DOC as the relevant regulator. BOPRC is not the relevant regulator in relation to the LMP. We note that, for a recent NZTA project application, Cambridge to Piarere, the Panel agreed with NZTA, stating that there was "*no environmental benefit in requiring another version of an LMP to be prepared or certified by the Councils*."[3] NZTA therefore disagrees with BOPRC's recommendation.
16.16	Section 5.5.6	Vegetation clearance	*Conditions should reference the EMP and its sub-plans. The following information should be included for terrestrial vegetation and wetlands:* • *If any vegetation clearance occurs within the main bird breeding season (1 September to 28 February (inclusive), a suitably qualified and experienced ecologist*	Condition 25.1 requires the preparation of an AVMP. The purpose of the AVMP is to manage effects / disturbance during Project Works on native avifauna species, particularly cryptic wetland species. The AVMP will include (amongst other things) nesting and sensitive time periods of identified avifauna, requirements for avoidance of Construction Works within identified avifauna habitats during breeding season (September to December), and pre-construction nesting bird survey

[3] Record of Decision of the Expert Consenting Panel on State Highway 1 Cambridge to Piarere Long Term Improvement Project, paragraph 12.56, available here.

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			must conduct a bird nesting survey of the vegetation proposed for removal and exclusion zones must be established around any nests of At Risk and Threatened bird species. • *If the survey identifies any native nesting birds within the site an exclusion zone, minimum 50 metre radius for at risk native nesting birds and 100 metre radius for threatened species, must be demarcated and all works within this zone are prohibited until a suitably qualified and experienced ecologist identifies that the chicks have fledged or the vegetation no longer contains an active nest.* *These requirements should be included in the relevant management plans.*	protocols and resulting outcomes if resident or nesting birds are present. Accordingly, nesting bird surveys will take place, and the AVMP provides for a process to manage and protect nesting birds during vegetation clearance. NZTA considers that the setting of radius etc where birds are detected is a matter of detail more appropriate for the AVMP itself, as opposed to being stipulated in conditions. The exclusions zone distances will be determined within the AVMP based on the species, sensitivities, locations, and types of activities that may occur. There may be different exclusions for different activities based on risk/disturbance severity. The suggestions made by BOPRC may well be appropriate in some circumstances but without further analysis of proposed works, their impacts, schedules/timing and their potential to disturb nesting birds, it is premature to stipulate exact distances. As such, NZTA considers its Conditions are more robust and appropriate for managing the effects of the Project. NZTA therefore opposes the conditions proposed.
16.17	Section 5.5.7	Wetland restoration and creation	*"The offsetting and compensation package proposed in the Compensation Modelling Report and/the relevant sections of the EEA should be referenced in the conditions. The nature of offsetting and compensation shouldn't be left solely to the EMP.* *As outlined above, the consent conditions should include performance standards for wetland creation, restoration and planting to ensure they achieve the desired outcomes.* *The offset ratios should be included in the consent conditions (see section 5.4).* *Conditions should reference the WMP. Conditions should be included to ensure wetland creation and restoration works proceed as soon as practically possible."*	The nature of offsetting and compensation is not left solely to the EMP. NZTA's Conditions 30.1-30.7 set bottom lines for offsetting and compensation, including requirements in relation to planting, and vegetation cover to be achieved, as well as ratios for low and moderate wetlands (excluding Ōmokoroa and Merrin wetlands) and a cap of maximum loss for the Ōmokoroa and Merrin wetlands. See the response to 16.9 and 16.10 above regarding performance criteria. See also the evidence of Mr Blayney at [12-13]. Regarding BOPRC's comment to include reference to the offsetting and compensation package proposed in the Compensation Modelling Report and/ the relevant sections of the EEA, please see NZTA's response to referencing to reports in conditions in paragraph 16.8. NZTA therefore disagrees with BOPRC's comments and opposes the suggested conditions.
16.18	Section 5.5.8	Performance standards	*The following performance standards are recommended:* • *All plantings and wetland creation must be maintained for a minimum period of five years from the date planted to achieve at least 90% cover of indigenous species, with no more than 5% total cover of exotic species in any tier. The species shall be appropriate for all tiers found in a mature habitat, and shall include ground cover, sub canopy and canopy species (except for wetlands). If monitoring shows that 90% cover has not been achieved after five years of maintenance, the maintenance period shall be extended until that is achieved, or a suitable mitigation and/or compensation alternative is agreed in writing between the consent holder and BOPRC.* • *All wetland restoration must achieve a minimum of 90% cover of all indigenous plant species and a maximum of 5% cover of exotic plant species across all vegetation tiers (groundcover, understorey and canopy) within five years of the commencement of restoration works. Following this initial establishment period, the cover of exotic species must be maintained at or below 5% for the duration of the consent.* • *All plantings, wetland creation and restoration to use eco-sourced (Tauranga Ecological District) indigenous plant species appropriate to the locality, and the ecosystem/wetland type being restored (i.e. the ecosystem/wetland type that would have occurred at the locality under natural conditions. These indigenous species shall be represented in appropriate diversity, proportions, cover and configuration as would be expected for natural examples of the same ecosystem/wetland types within the Tauranga Ecological District.*	The performance standards suggested by BOPRC are already included in the Conditions. Conditions 28.4, 28.5 and 28.1 explicitly provide for the matters recommended (almost verbatim). The only matter specified by BOPRC that is not provided for in NZTA's Conditions is the requirement to maintain exotic species cover at or below 5% for the duration of the consent. NZTA does not consider that maintenance following the initial five year period after planting takes place is necessary. The maintenance of the planted areas, including riparian areas, is tied to the achievement of performance criteria for planting (Conditions 28.4 and 28.5). The maintenance of the wetland restoration areas is also tied to the achievement of performance criteria for planting (Condition 28.4). NZTA's expert, Mr Blayney considers that at the point where the performance criteria has been achieved, the effects management has achieved a no-net-loss and likely net benefit of wetland ecological values compared to that lost. NZTA therefore disagrees with BOPRC's comments and opposes the inclusion of the suggested additional performance standards as these are unnecessary.
16.19	Section 6.1	Stream reclamation	*"The NPS-FM requires that the loss of river extent and values is avoided, unless "there is a functional need for the activity in that location; and the effects of the activity are managed by applying the effects management hierarchy". The substantive application addresses the functional need for the reclamation of streams. The EEA refers to the effects management*	See the evidence provided by Mr Garrett-Walker (Attachment 5B) in relation to the effects management hierarchy. As set out above, the Conditions have been drafted to adhere to case law requirements by identifying what outcomes need to be achieved, with management plans required to develop in detail the actions to be taken to achieve those outcomes. NZTA considers that its outcomes based conditions adequately mitigate the effects of the Project, while maintaining

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			hierarchy but it is not discussed in detail and it is unclear how it has been applied to the management of the loss of stream extent and values though stream reclamation. *BOPRC have recommended a consent condition to ensure that the total length of watercourses impacted by permanent diversions and/or realignment and culverting is no greater than 3500 m (condition 12.8 of RM25-0466-BC.01).”*	sufficient flexibility for the design process (as is agreed by NZTA’s experts). Accordingly, NZTA does not consider that a ‘hard limit’ on the length of watercourses to be impacted by realignment and culverts is necessary or appropriate for this Project. Nevertheless, in preparing an updated set of conditions to be provided to the Panel by 23 December, NZTA will consider whether any refinements could be made to its Conditions in response to BOPRC’s comments.
16.20	Section 6.2	Remediation vs. offsetting	*“The key difference in opinion concerns which tier of the hierarchy is applied to manage the loss of stream value and extent due to reclamation. The EEA states that effects associated with stream reclamation are to be remedied through the creation of new stream channels. BOPRC disagrees that this is a form of remediation.* *Remediation inherently refers to fixing or mending something. In the context of the management of ecological effects, remediation refers to, for example, the reinstatement or planting of habitat, the restoration of damaged habitat or the rehabilitation of site conditions. This should be undertaken at the point of impact / at the affected site. This is outlined in the industry standard (Environment Institute of Australia and New Zealand ecological impact assessment guidelines3.* *In contrast, biodiversity offsetting should be applied to address residual adverse effects by providing long term protection for areas of habitat at an alternative location to the point of impact. The applicant has proposed (confirmed at a meeting held with the applicant on 21 November 2025) that the reclaimed waterways are to be replaced with new stream lengths across the entire project area, which encompasses multiple catchments. Therefore, loss of stream length is not being addressed by remedying at the site of impact, but by offsetting stream loss at alternative locations within the wider landscape.”*	NZTA’s position is that a diversion does not result in a loss of extent or value of streams (provided the diversion is the same length as the stream replaced). Mr Garrett-Walker considers the new channels of the diversions to be a complete remedy of flow and aquatic habitat reclamation. The replacement of the same amount, type and condition of aquatic habitat, in the same flow location, at a 1:1 replacement quanta achieves an appropriate remedy. Furthermore, the design and implementation of these diversions specifically aim to improve habitat conditions and support greater aquatic fauna health and diversity, compared to the existing streams. While the 1:1 replacement ratio establishes the minimum requirement for maintaining stream extent and function, additional enhancement measures, such as improved instream habitat features, and water quality controls are incorporated to address any ‘lag’ in ecological function as the new habitat establishes. These enhancements not only offset the lag effect but are expected to result in a net improvement in the overall ecological value of the streams over time, beyond simply replacing what was lost. Please see paragraphs [26-35] of the statement of evidence from Mr Garrett-Walker for further details (Attachment 5B). NZTA therefore disagrees with BOPRC’s comments.
16.21	Section 6.3.1	Freshwater ecological values – no net loss	*“The offsetting principles work together to ensure that adverse effects are appropriately addressed and no net loss (or preferably a net gain) is achieved for extent and values. Two key offsetting principles that have not been addressed by the EEA and mitigation package are highlighted below to emphasise the risk presented to freshwater ecological values and stream extent if offsetting is not appropriately applied.* *…* *The offsetting principles include the requirement for a like-for-like quantitative loss/gain calculation to ensure the extent or values at the offset site are equivalent to or exceed those being lost at the impact site. In the absence of these calculations there is a significant degree of uncertainty that the adverse effects on stream extent and values will be addressed and BOPRC have no certainty that these effects will be managed to a level that is acceptable.* *… However the EEA does not present any data or information on how the realigned streams will achieve SEV scores at least equal to those of the streams reclaimed, nor does the EEA consider the potential value of the streams to be lost. The NPS-FM clearly provides for the protection of potential values in streams and rivers. In Section 3.2.1, the definition of loss of value “means the wetland or river is less able to provide for the following existing or potential values”. In addition in Section 3.24(3)(a)(i), in relation to an application for consent, the applicant must demonstrate “how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential values)”.”*	NZTA acknowledges that the NPS-FM requires consideration of the “potential values” of rivers and streams when assessing effects and applying the effects management hierarchy. However, while the NPS-FM (for example, through Policy 5) envisages the overall enhancement of degraded freshwater ecosystems, it does not require that every individual project be managed in a way that goes beyond addressing the effects of that specific project. In the context of effects management for this Project, NZTA’s position is that, under the NPS-FM the assessment of effects must be based on the existing ‘real world’ environment, not an artificial future environment. “Potential values” should be considered only where there is a reasonable and realistic expectation that those values will be realised. The assessment of effects should take into account not just what is theoretically possible for a stream in an ideal scenario, but what is likely to be achieved given the existing land use, foreseeable management practices, and regulatory context. The streams affected by the Project are currently degraded as a result of ongoing rural land management, and there is no evidence of any imminent change in land use or management of those streams that would reasonably result in the realisation of significantly higher ecological values in the absence of the Project. While it is true that simple interventions such as fencing and riparian planting can improve stream values, the likelihood of such interventions occurring outside the Project context is low, given the prevailing land use and absence of any committed restoration programme. Accordingly, NZTA’s effects management and offset package is designed to address the actual and reasonably foreseeable values of the affected streams. The Project not only remedies and offsets the current effects, but also delivers ecological enhancements such as instream habitat improvements improved fish passage, and riparian vegetation that would otherwise be unlikely to occur. In this way, the Project gives effect to the NPS-FM’s intent to maintain and improve freshwater values, without imposing an obligation to account for speculative or unlikely potential values that are not reasonably expected to be realised. See the evidence provided by Mr Garrett-Walker (Attachment 5B) which addresses stream realignment as a remedy not an offset and no net loss. Mr Garrett-Walker is of the view that stream realignment should be considered a remedy, not an offset, under the Effects Management Hierarchy set out in the NPS-FM. Remedy involves reinstating ecological values and stream extent at the point of impact, which is precisely what is achieved through the creation of new, functioning stream channels connecting to the existing streams and within the Project designation. This

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				approach directly replaces lost values in situ and is secured through robust design, monitoring, and adaptive management provided for in the Proposed Resource Consent Condition 27. NZTA therefore disagrees with BOPRC's comments and opposes the suggested additional conditions and requirements as they are unnecessary.

16.22	Section 6.3.2	Freshwater ecological values – time lag	*"…it would likely take several years to achieve values and function similar to that of the streams to be lost following the construction of new stream channels. This has not been discussed in the EEA, so it is unclear what time lag could be expected. This is important, as a significant time lag (i.e. several years) is a justification for applying a multiplier to the Environmental Compensation Ration (ECR)5. A multiplier may therefore be applicable to this situation. Therefore, the stream reinstatement and enhancement proposed, may be insufficient to compensate for stream loss.*
			
			Moreover, re-engineering a natural system inherently has risk that, due to unforeseen factors, the intended outcome may not be achieved. In other words, there is a risk of failure or risk that the resulting ecological values are less than what was anticipated. This could occur, for example, due to the loss of connection between a stream and underlying groundwater. The consequence for ecological value could be significant. Using an ECR and incorporating a multiplier is an appropriate way of mitigating this risk.
			
			Consent condition 27.1(a), proposed by the applicant, requires biannual monitoring for a minimum of two years following completion of construction or until the installation requirements for stream realignments are confirmed. It is unclear what the "installation requirements" are, and no requirement for additional or remedying works has been included in conditions should the "installation requirements" not be met. This provides no insurance against failure. Additionally, two years of monitoring is considered insufficient. The streams will require more than two years to achieve values similar to those that were lost. At a minimum monitoring of stream realignments is recommended to occur for ten years following the completion of construction.
			
			Overall, the approach to management of stream loss detailed in the application and the associated EEA provides no certainty that significant adverse effects on stream extent and values will be appropriately managed so that there will be no net loss or preferably a net gain. The mitigation package should include an offsetting approach to the loss of stream extent and values, providing justification for the offsetting proposed, accounting for the risk of failure and time lags, and detailing methods for success monitoring.
			
			Therefore, BOPRC recommend that a consent condition that requires formal offsetting to be conducted to determine the length of stream to be recreated. A consent condition (condition 16.12 of RM25-0466-BC.01) is recommended that requires monitoring of constructed stream channels for a minimum of ten years and that directs a course of action should success monitoring indicate that ecological values have not been achieved as intended."
				Mr Garrett-Walker interprets the Stream Ecological Value (*SEV*) method guidance as not requiring a standard 1.5x multiplier. The guidance does not prescribe a fixed multiplier for lag time, recognising that lag time varies by site and circumstance. Therefore, a 1.5x multiplier should only be applied where there is evidence of lag time, risk of failure, or non-implementation of mitigation measures. We note that, for a recent NZTA project application, Cambridge to Piarere, the Panel agreed with NZTA, that a multiplier of 1.5 is not a 'standard' and as such was not required for that Project as there was no evidence of risk of failure or non-implementation of mitigation measures.
				
				The current framework proposed ensures no net loss and a net gain of river extent and ecological values. In Mr Garrett-Walker's opinion, a strict adoption of the SEV methodology and the environmental compensation ratio (*ECR*) formula as outlined in Storey et al. (2011) is not necessary to determine an appropriate effects management package for the Project. The SEV and ECR methodology are tools. They provide a robust framework for quantifying ecological loss and guiding offsetting, but they are not prescriptive, instead allowing for professional judgement in their application. Mr Garrett-Walker's interpretation of the SEV method guidance is that it does not mandate a blanket application of the 1.5x multiplier. Instead, it presents the multiplier as a default starting point and explicitly encourages practitioners to apply professional judgement when determining its appropriateness. The SEV method guidance notes that the multiplier may be adjusted based on factors such as the similarity between impact and enhancement sites, the confidence in restoration success, and the expected time required for ecological improvement. For further information, please see:
				• The response to item 6.21 above;
				• The Statement of Evidence of Mr Garrett-Walker (Attachment 5B) which addresses:
				  ○ Stream realignment as a remedy not an offset; and
				  ○ SEV Approach to Determining Effects Management.
				
				NZTA does not consider that any 'insurance against failure' is necessary – either the conditions are complied with and the outcomes, as set in the conditions are achieved, or they are not and NZTA is in breach of the conditions. Accordingly, no 'insurance' is necessary or appropriate.
				
				NZTA opposes the requirement for success monitoring for 10 years following completion of construction. Success for streams could happen at any moment. An arbitrary 10 year timeframe will not guarantee success, and it is better for the conditions to require monitoring until success is achieved. That said, NZTA acknowledges the Stream Management and Monitoring Plan (*SMMP*) condition could be improved to clarify the monitoring requirements. As noted, NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. NZTA will consider and incorporate refinements to the SMMP conditions in this updated set of conditions.
				
				NZTA therefore disagrees with BOPRC's comments and does not consider any additional conditions are necessary or appropriate.

16.23	Section 6.4	Stream management monitoring plan	*The applicant proposes to manage and monitor effects on freshwater ecological values by way of the SMMP. This is appropriate; however, amendments to the condition proposed by the applicant are recommended by BOPRC.* *…* *The applicant proposes to submit the SMMP to BOPRC for written certification 20 working days prior to the commencement of instream works. This is not considered appropriate as the SMMP is to detail the methodology for and approach to baseline stream monitoring, which is to be undertaken two years prior to instream works commencing. This is important as it will allow for a review of the methodology and will also reduce risk to the applicant who may have to repeat baseline monitoring if the management plan is not certified by BOPRC. Considering the above the following wording is recommended for the SMMP condition:*	As noted above, NZTA acknowledges the SMMP condition could be improved to clarify the monitoring requirements. NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. NZTA will consider and incorporate refinements to the SMMP conditions in this updated set of conditions.

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			26. Stream Management and Monitoring Plan BOPRC has provided suggested changes, tracked to the SMMP condition, which are not replicated in full here.	
16.24	Section 6.5	Culvert design	*"…the results of the modelling presented in the Specimen Design Report reveal that the triple-cell box culvert TNL-11560 will be too long (124 m) for the benchmark species (īnanga) to be able to pass without rest. Therefore, the report proposes the use of small (300 mm x 300 mm) baffles along one side of the culvert. This baffle design is not in accordance with the recommendations of the New Zealand Fish Passage Guidelines, which advise that either spoiler baffles or vertical baffles should be used. Clarity is needed regarding how the proposed baffle configuration will ensure the target species will be able to traverse the culvert. If modelling has been undertaken, the results of this could be provided."*	Spoiler baffles are used primarily to mitigate higher velocities. The velocities in this culvert, in the Specimen Design are very slow (just enough to maintain bedload and sediment balance through the culvert). As designed, the culvert will have very low velocities, which will allow the 75% quantile of the target species of fish to nearly pass the entire length of the culvert. The use of resting places was modelled under flow conditions ranging from 10% of the 2-year ARI flow to 50% of the 2-year ARI flow, per the New Zealand Fish Passage Guidelines (Version 2.0, MfE 2024). The baffles intended to provide resting places did not result in increased velocities and added minimal small-scale turbulence, which should avoid misdirecting migrating juvenile fish. Additionally, due to the low velocities, spoiler baffles would likely fill up with sediment, depriving the fish of the resting places that help mitigate the length of the culvert. NZTA does not consider any further clarification is needed.
16.25	Section 6.6	Fish and kākahi rescue and relocation	*"As no surveys specific to kākahi were carried out to inform the EEA, the species' presence/absence is unknown (but conservatively assumed) within the project envelope. It is important that protocols specific to kākahi salvage are documented within the AFMMP and implemented at all salvage sites. Kākahi are not effectively captured by the same methods used for fish salvage (i.e. netting and electric fishing) and could be missed if specific protocols appropriate for this species aren't employed"*	NZTA's Proposed Condition 24.1 requires the preparation of an Aquatic Fauna Management and Monitoring Plan (*AFMMP*), which will manage and minimise effects on native freshwater fish and kākahi prior to and during streamworks or works in a Natural Wetland that provide freshwater fish and / or kākahi habitat. The AFMMP is required to be prepared by a SQEP, as per Condition 5.3, who will ensure the AFMMP includes appropriate protocols specific to kākahi salvage. Accordingly, NZTA does not consider any further requirements or conditions are necessary.
16.26	Section 6.7	Monitoring and receiving environments during construction	*"The EEA recommends that water quality and ecological monitoring be carried out during works and that this should include monthly water quality monitoring, event-based monitoring and biannual macroinvertebrate monitoring. BOPRC support this and also agree that baseline water quality sampling should be undertaken over two years prior to construction commencing to inform trigger values. The requirements for this monitoring should be detailed in management plan that should be certified by the relevant BOPRC experts prior to works commencing."*	Through NZTA's Conditions, the SMMP is required to include monthly water quality monitoring of each watercourse while earthworks are taking place within the catchments that contain each watercourse, and biannual monitoring during construction works (Condition 27.1(a)5.ii. and iii.). The SMMP (Condition 27.1(a)9.) is also required to include mitigation contingency measures to apply in the event of accidental / unexpected adverse effects (ie accidental discharge), which may include event-based monitoring. Accordingly, NZTA does not consider any further requirements or conditions are necessary.
16.27	Section 6.28	Contaminant release	*"The EEA recommends the use of pre-cast concrete within watercourses or, where this is not possible, that measures be put in place to completely isolate aquatic systems from any area where concrete is poured (i.e. concrete should only be poured in 'dry' areas). BOPRC agree with this recommendation. This recommendation has not been replicated in the Construction Water Assessment, which only requires details for managing concrete wash water should be included in site specific erosion and sediment control plans. The Construction Water Assessment or other appropriate management plan should clearly outline standards that will be applied to working with concrete in/around water throughout the duration of the project.* *Neither the EEA nor the Construction Water Assessment address the potential effects on construction-phase waste materials/contaminants or the use of machinery fuel/oil on waterways. This is considered a gap and should be addressed in a construction management plan. Consent conditions have therefore been recommended by BOPRC to address this gap."*	NZTA's Proposed Condition 8.2 requires the Consent Holder to take all practicable measures to prevent fuels, lubricants, hazardous and/or dangerous materials, concrete or cement based substances from entering any Waterbody or surface water. Condition 8.1 prohibits fuel storage or machinery refuelling where fuel could enter a waterbody in the event of a spillage. Mr Garrett-Walker considers these conditions, in addition to the ESC measures, are appropriate to address the potential effects on construction-phase waste materials / contaminants or the use of machinery fuel / oil on waterways. NZTA considers a separate requirement duplicating Conditions 8.1 and 8.2 within the Construction Management Plan is unnecessary. The intent in relation to construction-phase waste etc is to prevent / avoid the discharge of these other contaminants. Therefore, any release would be an accidental incident and would be responded to under incident / spill response procedures. Accordingly, Mr Garrett-Walker considers that no further requirements or conditions are necessary on this point.
16.28	Section 7.2	Water quality limits	*"The consent conditions proposed by the applicant include a requirement to collect representative stormwater samples within one year of the consent being exercised and then every five years thereafter. The samples are proposed to be tested for Total Suspended Sediment (TSS) and total petroleum hydrocarbons (TPH). BOPRC consider that every five years is a very low sampling frequency…and that annual sampling should be the minimum. BOPRC recommend that the heavy metals, copper, lead and zinc, be included, which are identified as potential contaminants in the EEA, in addition to TSS and hydrocarbons…The exceedance of such limits may trigger further investigation into the sources of contaminants and/or the effectiveness of the treatment devices. Exceedances do not trigger the need to stop discharging while investigations are undertaken…*	NZTA's Proposed Condition 52.2 requires sampling at the stormwater outlet annually for the first five years after completion of construction, and then once every five years thereafter. NZTA's expert considers that this approach will ensure that the stormwater treatment device does perform well, while providing adequate long-term monitoring to identify any decline in performance. Accordingly, no further conditions are necessary. Pursuant to NZTA's Conditions, if water quality results exceed the maximum concentrations specified in the Stormwater Operation and Maintenance Plan (*SOMP*) by more than 10%, an investigative, corrective process is triggered, which will be followed by testing and reporting on the corrective action taken (Condition 52.3).

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			These limits have been included in the consent conditions proposed by BOPRC."	This monitoring would include testing for the metals listed. NZTA considers listing the specific metals to be tested to be a level of detail not necessary to be included in conditions. The SOMP is required to be prepared by a SQEP, and therefore will specify the relevant details required to be tested. Accordingly, NZTA does not consider any further requirements or conditions are necessary. Nevertheless, NZTA will consider further whether any refinements could be made to the conditions in response to BOPRC's comments in the conditions to be provided to the Panel by 23 December.
16.29	Section 7.3	Freshwater monitoring	*"…monitoring of macroinvertebrates, as recommended, will similarly indicate whether the long-term discharges are having adverse effects on freshwater receiving environments.* *In addition to the recommendations in section 5.8.7 of the EEA, BOPRC recommend that sediment samples be collected and analysed for copper, lead, zinc and polycyclic aromatic hydrocarbons (PAHs). These measurements will help inform the benthic macrofauna results and will identify if the accumulation of contaminants is occurring over time or if the treatment devices are working as proposed and improvements in water quality are occurring. These results should be assessed against the ANZG (2018) sediment quality guideline* *BOPRC have recommended consent conditions relating to sediment sampling collection and analysis"*	NZTA Proposed Condition 49 requires the preparation of a SOMP, which is to outline the operation and maintenance requirements to ensure the stormwater management system achieves the standards to which the system was designed and constructed. The SOMP will include a programme for regular monitoring and inspection (Condition 49.2(a)). It will be prepared by a SQEP (as per Condition 5.3), who will set out the specific samples that need to be collected in the SOMP itself, and how best to assess the results of the sampling. Condition 52.1 requires, in the event of a discharge that results in conspicuous oil or grease films, suspended materials, conspicuous change in colour etc (50 metres downstream of the discharge, after reasonable mixing), a sample to be collected at the stormwater outlet which is to be analysed for concentration of TSSs and total petroleum hydrocarbons by an IANZ accredited laboratory. Accordingly, NZTA does not consider any further requirements or conditions are necessary.
16.30	Section 7.4	Marine monitoring	*"…pre,during and post construction monitoring is conducted in Te Puna Estuary and Mangawhai Bay Estuary. As stormwater discharges are permanent, ongoing monitoring of these estuaries is recommended. The monitoring frequency could be reconsidered following a review of the monitoring results. BOPRC have recommended consent conditions to reflect this.* *…* *The purpose of the Marine Monitoring Plan should be broader to include both accidental sediment discharges and ongoing stormwater discharges into the marine receiving environment. The EEA states that long-term deposition of sediment is considered to be a cumulative effect. This suggests that ongoing monitoring is appropriate. The monitoring frequency could be reconsidered following a review of the monitoring results five years after the completion of construction works. BOPRC have recommended consent conditions to reflect this.* *Based on the above assessment, the below are recommended by BOPRC:* • *Require sampling of representative stormwater discharges to confirm that the stormwater treatment devices are working as expected. Samples should be tested for TSS, TPHs, copper, lead and zinc. Every measured parameter should have an appropriate water quality trigger limit.* • *Require sediment sampling, in freshwater and marine environments for the duration of the permanent stormwater consent.* • *A SMMP should be required as a condition of consent. It should implement the recommendations outlined in section 5.8.7 of the EEA and also include the measurement sediment, copper, lead, zinc and PAHs to assess the effects of long-term discharges. These results should be assessed against the ANZG (2018) sediment quality guidelines.* • *A MMP should be required as a condition of consent. It should implement the recommendations in section 5.9 of the EEA and also include the measurement of sediment metals (copper, lead and zinc) and PAHs to be assessed against the ANZG (2018) sediment quality guidelines. "*	The Marine Monitoring Plan (*MMP*) is intended to apply to accidental sediment discharge. The SOMP and SMMP are intended to address the effects of ongoing stormwater operation. Accordingly, the MMP need not be broadened to include ongoing discharge, as measures relating to ongoing discharge are covered in the different management plans. See 6.29 above in relation to representative stormwater discharge sampling, which is to take place for the first five years after completion of construction, and then once every five years thereafter. Water quality trigger limits will be set in the SOMP, as required in Condition 49.2(d). Monitoring of sediment stormwater contaminants is captured within NZTA's Conditions 21.2 and 22. Marine sediment stormwater contaminants (zinc, copper, lead, and polycyclic aromatic hydrocarbon) concentrations (these contaminants primarily derive from operational phase vehicle wear) will be surveyed at a potential impact site and a control site in both the Te Puna and the Mangawhai Estuaries within 12 months of earthworks commencing in those catchments and post-construction annually for two years (as required in Condition 21.2). NZTA's marine expert, Dr Sharon De Luca has confirmed there is no scientific necessity to survey marine sediment contaminants from operational vehicle wear during the construction phase. Stormwater contaminants, and their potential cumulative effect and marine habitats, will be assessed against the ANZG (2018) sediment quality guidelines. The MMP is required to include details of baseline and ongoing annual marine environment monitoring (Condition 22.1(a)1.) Detail regarding the sediment metals to be measured through monitoring is detail that can is more appropriately addressed in the MMP, as opposed to the conditions. The MMP is required to be prepared by a SQEP, and therefore will require assessment against the relevant guidelines in place at the time of preparation of the MMP. The MMP will detail marine survey components to be carried out during the various Project stages. Marine sediment particle size analyses and depth of redox layer in sediment (particularly in relation to accidental sediment discharge from earthworks/stormwater and cumulative deposition of sediment) form part of the MMP which is to be carried out prior to construction, during construction and in the operational phase annually for two years. In addition, benthic marine invertebrate community assemblages, estuarine marine vegetation, and shellfish beds will also be assessed annually prior to construction, during construction and in the operational phase annually for two years. This detail is already provided for within the Conditions. Mr Garrett-Walker does not consider ongoing operational sediment sampling of the receiving freshwater environment is required, given there are obligations for ongoing monitoring of the stormwater devices themselves (as in Condition 49 relating to the SOMP). The receiving environment monitoring could be done when/if there is a potential failing of any given stormwater device, allowing for targeted monitoring and response commensurate to the potential effect (as is

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				provided for in the event that an 'indicator' is exceeded (Condition 27.1(a)6.)). Ongoing monitoring when the system is operating as designed will be onerous with no obvious benefit. Condition 27 requires the preparation of a SMMP, which includes the recommendations in section 5.8.7, to the extent that the level of detail is appropriate for a condition. Accordingly, NZTA does not consider any additional conditions or requirements are necessary. NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions are appropriate or necessary to respond to BOPRC's comments, the updated set of conditions will incorporate those changes.
16.31	Section 8.1-8.2	Contaminated soils	*"The results of the DSIs will inform what management or remediation is required during the project to protect human health and the environment. Management or remediation plans have not been prepared and do not form part of the application. The preparation of management or remediation plans should form a condition of consent.* *The consent will need to allow for all potential eventualities depending on the results of the DSIs, as acknowledged in Section 4.6.4 of the application.* *BOPRC recommend that a robust set of conditions to address the effects associated with disturbing / remediating contaminated soils. This would not only provide the relevant regulatory authorities and community assurance that the risks will be appropriately assessed and mitigated but will also provide the applicant and their contractors similar assurances – that the consent allows for all potential eventualities and is flexible enough to respond to the management plan and remediation requirements of the project.* *BOPRC have therefore proposed a robust set of conditions that allow for all potential eventualities resulting from the project works.* *BOPRC can certify documents / reports (e.g. Remedial Action Plan) on behalf of BOPRC and the Western Bay of Plenty District Council (WBOPDC). BOPRC certified versions can then be provided to WBOPDC.*	NZTA has proposed a robust and comprehensive set of conditions to manage contamination. See the above response at item 16.6. The Contamination Conditions require preparation of a RAP, where the CSMP identifies contaminated soils requiring remediation. NZTA acknowledges BOPRC's confirmation that it can certify documents / reports relating to contamination on behalf of WBOPDC. For NZTA's response on this point, see the response to WBOPDC comments in Attachment 3, item 1.2.
16.32	Section 9.3	Groundwater	*"The applicant has proposed to submit a GDMP to BOPRC for written certification by a suitably qualified and experienced professional 40 working days prior to construction commencing. BOPRC do not consider this timeframe for the submission of the GDMP to BOPRC to be appropriate given the GDMP will outline the piezometer locations and monitoring undertaken to determine trigger levels (i.e. this work has not yet been undertaken).* *…* *BOPRC therefore recommend the following for the GDMP. Consent conditions have been recommended by BOPRC to reflect this recommendation:* • *Stage 1 – providing the location of proposed piezometers, settlement, monitoring locations as well as an outline of the proposed monitoring frequency. This GDMP should be reviewed and certified by BOPRC at least one year prior to construction commencing.* • *Stage 2 – outline the piezometer information, monitoring undertaken to date and the development of alarm and alert trigger levels for groundwater level and settlement monitoring to be undertaken once construction commences. This should be provided to BOPRC for written certification at forty working days prior to construction commencing. "*	NZTA considers that 40 working days is an appropriate amount of time for certification of the Groundwater Drawdown Monitoring Plan (*GDMP*). However, NZTA intends to provide an updated set of resource consent conditions to the Panel by 23 December. If NZTA considers any amendments to the existing conditions, for example a staged approach to the GDMP, are appropriate or necessary to respond to BOPRC's comments, the updated set of conditions will incorporate those changes.
16.33	Section 12.1	Written certification	*"Written certification from BOPRC should be provided by a suitably qualified and experienced person (e.g. ecologist, engineer or contaminated soils professional) or by compliance staff."*	Please refer to NZTA's response on item 16.11 above.
16.34	Section 12.2, 12.4	Conditions formatting	*"The details required in the management plans could be put into Appendices that can be referenced within each set of conditions.*	NZTA does not consider it appropriate for management plan details to be provided in appendices, nor is it necessary. As set out above (item 16.8), NZTA's Conditions have been drafted so as to

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			… *Accela has certain limitations and does not allow tables to be used in conditions. Consents are also broken up in Accela, generally based on sections of the RMA / activity type.*	identify the outcomes that need to be achieved, with management plans required to develop in detail the actions to be taken to achieve those outcomes. NZTA's primary focus is on ensuring that the conditions adequately address the effects of the Project. Any amendments to the formatting or structuring of conditions for administrative purposes, such as separating out details into appendices or adapting them for Accela, can be addressed following the conclusion of the fast-track process.
16.35	Section 12.5	Referencing reports in conditions	*BOPRC recommend conditions relating to works being undertaken in accordance with the substantive application, management plans, erosion and sediment control plans etc. Where effects are managed through a management plan or there is reliance on detail in any other document, the management plan / document must be referenced in the conditions to make the detailed requirements enforceable."*	See response in item 16.9 above. NZTA oppose references to any reports within its Conditions.
16.36	Section 12.3	Deemed certification	*"BOPRC strongly oppose default / deemed certification conditions which would deem certain plans to have been certified if the council has failed to certify them within the specified time period. This has the potential to result in sub-standard plans (which haven't been certified) to be adopted by default with sub-optimal sustainable management outcomes. The Court has confirmed that such an approach is not sound environmental management. Alternative wording is proposed to ensure which would ensure that plans are certified within reasonable timeframes if the applicant prefers to see something more detailed. Ultimately BOPRC is required under s21 of the RMA to provide certification functions without undue delay."*	For NZTA's position on deemed certification please refer to item 16.1 above.