

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

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

RM25-0466-DC.02

### **A resource consent:**

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

subject to the following conditions:

#### 1. Purpose

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

#### 2. Location

2.1 The activity~~yes~~ authorised by the this Consents shall occur from near Loop Road (map reference: 1870005mN, 5823384mE NZTM2000) to the east of the Waipapa Stream (map reference: 1864989mN, 5827810mE NZTM2000), on land designated by the New Zealand Transport Agency under section 171 of the RMA ~~for the construction, operation and maintenance of a State highway.~~

#### 3. Consent Lapse and Expiry

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

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

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

~~The Consent Holder shall prepare a Detailed Site Investigation report (DSI) for each site identified as requiring a DSI in Tables A and B of Appendix 4 to these conditions. The purpose of the DSI report is to confirm the level of contamination at the PSI sites. The DSI shall be prepared in accordance with CLMC1 and CLMC5.~~

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

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

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

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

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

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

## 5. Contaminated Site Management Plan (CSMP)

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

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

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

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

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

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

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

The CSMP shall:

- (a) Identify sites where contamination is expected to be present, as identified in the DSI, including details on the type and extent of the contamination, and whether remediation is considered to be required.
- (b) Include site management protocols for management of contamination, including pre-Construction Works site set-up, soil excavation / disturbance procedures, soil reuse / management (procedures to reuse, place and cap unwanted topsoil that exceeds Clean Fill criteria), imported materials, groundwater procedures, health and safety procedures and measures for transport and disposal of contaminated soils, and ESC methodologies.
- (c) Include specific site management protocols for disturbance of any asbestos contaminated soils, including an Asbestos Removal Control Plan.
- (d) Where practicable, require all ESC measures to be installed prior to the commencement of the excavation of contaminated soils.
- (e) Set out measures for temporary stockpiling of excavated contaminated

material, where temporary stockpiling cannot be avoided, to ensure as far as practicable that contaminants are effectively bunded and imperviously covered so as to prevent contaminants leaching into uncontaminated ground.

- (f) Include, where contaminated soil is to remain onsite, measures to ensure the contaminated soil remains in situ, as far as practicable, and ongoing survey requirements subsequent to the completion of soil disturbance works to ensure that contaminated soil has not spread.
- (g) Include health and safety and environmental management procedures to be implemented (at locations where soil sampling has indicated that contamination is expected) during the Project Works, including but not limited to:
  1. Personal protection and monitoring;
  2. On-site soil management practices, including stockpile management and stormwater and sediment controls; and
  3. Off-site soil transport and disposal.
- (h) Include contingency measures to apply in the event of accidental/unexpected discovery of contaminated soils during Project Works to safely manage unexpected contamination.
- (i) Be prepared in accordance with the requirements of the CLMG1.

At least 30 Working Days before the start of contaminated land disturbance activities, the CSMP shall be submitted to BOPRC for certification that the CSMP satisfies the requirements of Condition 44.2.

The Consent Holder shall implement the CSMP for the duration of Construction Works, with survey requirements extending beyond Construction Works, as determined by a SQEP.

## 6. Remedial Action Plan (RAP)

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

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

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

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

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

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

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

The RAP shall include:

- (a) The remediation or management goal;
- (b) Remediation methodology, including rationale, with a clear and systematic

outline plan of works;

(e) Contingency measures if the remediation methodology fails to reach the remediation or management goal; and

(d) Proposed site validation sampling plan and reporting.

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

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

## 7. Soil Disturbance Works

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

(a) The Substantive Application; and

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

## 8. Stormwater Management and Treatment

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

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

8.3 The consent holder shall ensure that:

(a) The works area is effectively isolated; and

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

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

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

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

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

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

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

## 9. Soil Stockpiles

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

- (a) located in a designated area;
- (b) covered with a heavy-duty plastic, such as high-density polythene;
- (c) located on an impermeable surface (e.g., concrete or tarmac hardstand, heavy duty plastic);
- (d) bunded to contain all contaminants; and
- (e) removed within eight weeks.

## 10. Dust Control

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

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

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

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

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

## 12. Site Management

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

## 13. Unexpected Contamination

13.1 (a) If unexpected contamination is discovered that has not been previously identified, through the presence of soil staining, odour, uncharacterised fill, construction and demolition waste, the consent holder shall immediately cease work in the vicinity of the unexpected contamination and shall notify the Bay of Plenty Regional Council (in writing) within 24 hours (see Advice Notes).

(b) The consent holder shall engage a suitably qualified and experienced practitioner (SQEP) in site contamination to prepare a plan to test and manage the previously unidentified contaminated material in accordance with the current version of the Ministry for the Environment 'Contaminated Land Management Guidelines No.5 - Site Investigation'.

(c) Should the discovery of unexpected contamination result in a change in the proposed management or remediation methodology, the CSMP or RAP must be updated in accordance with the current version of the Ministry for the Environment 'Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand'.

(d) The plans required by (b) and (c) must be submitted to the Bay of Plenty Regional Council for certification by SQEP in site contamination for confirmation that the requirements of (b) and (c) (as relevant) are met.

(e) Contaminated soils and material referred to in (a) must not be disturbed until certification has been received in accordance with (d) and further work must be undertaken in accordance with the certified plan and CSMP or RAP (see Advice Note).

#### 14. Asbestos Contaminated Soil Disturbance

14.1 (a) Prior to disturbance of any asbestos contaminated soils (>1% ACM and/or >0.01% FA/AF) at the site, the consent holder shall engage the services of a person holding a Class A or B asbestos removal licence (the Removalist), granted under regulation 64 of the Health and Safety at Work (Asbestos) Regulations 2016, to prepare an Asbestos Removal Control Plan (ARCP).

(b) The ARCP shall be submitted to the Bay of Plenty Regional Council for certification at least five (5) working days prior to soil disturbance works commencing on site.

(c) At a minimum the ARCP shall include the following:

1. Confirmation of the licensed asbestos assessor, the Removalist's license class and licence number.

2. Contact details of the licensed asbestos assessor and persons supervising asbestos removal.

3. A site plan identifying:

i. The asbestos removal and works area;

ii. The air monitoring points;

iii. Works area entrance and exit points;

iv. Any asbestos waste storage areas;

v. Any decontamination areas;

vi. Details of the means of transport and disposal of the asbestos waste; and

vii. The proposed removal and completion date.

(d) Certification is limited to ensuring the ARCP complies with the WorkSafe Approved Code of Practice for the Management and Removal of Asbestos (November 2016) and is completed in general accordance with Appendix H, Part A.

14.2 The consent holder shall engage a Licensed Asbestos Assessor to undertake asbestos air monitoring prior to, and during the remediation of asbestos contaminated soils.

14.3 If the asbestos air monitoring results exceed the trigger level of 0.01 fibres/ml, the consent holder shall:

(a) Cease works and may only resume works when controls have been implemented in accordance with the Remedial Action Plan certified in accordance with the RAP certified in accordance with condition 6.1 and the Asbestos Removal Control Plan certified in accordance with condition 24 to ensure the trigger level is not exceeded.

(b) Notify Bay of Plenty Regional Council (in writing) of the exceedance as soon as practicable, and no later than 24 hours from receipt of the results.

14.4 (a) The consent holder shall avoid temporary stockpiling of asbestos contaminated soils, where practicable.

(b) The consent holder shall ensure that any temporary stockpiling of asbestos contaminated soils, if required, are placed in a designated stockpile area in a 200 microgram heavy-gauge polythene lined bin with a fixed lid or within purposed-designed hazardous waste bags which are securely fastened.

(c) Temporary stockpiling of asbestos contaminated soil shall be for no longer than three (3) working days.

## 15. Site Validation Report

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

15.1 Within two months of the completion of site remediation, in accordance with the RAP required by condition 6.1, a Site Validation Report (SVR) shall be submitted to the Bay of Plenty Regional Council for written certification by a SQEP in site contamination that the requirements of this condition have been met. The SVR shall be prepared by a SQEP in site contamination in accordance with the current edition of the Ministry for the Environment 'Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand'. The SVR shall address the following:

(a) A summary of the works undertaken;

(b) The locations and dimensions of the excavations carried out, including a site plan and a survey of where any contaminated soil is to remain on site;

(c) Records of the asbestos air monitoring undertaken in accordance with condition 14.2 and the Licensed Asbestos Assessor's clearance certificate of the Class A or B Licensed Asbestos Removal Work (see Advice Note), if applicable;

(d) Details and results of soil sampling and validation sampling, and interpretation of the results;

(e) Records of any unexpected contamination encountered during the works and response actions, if applicable;

(f) Volume of soil removed from the works area and the disposal location(s) and documentation relating to the transportation of soil disposed of off-site;

(g) Volume of material imported to the works area (if required), including certification documentation;

(h) Details regarding any complaints and/or breaches of the procedures set out in the RAP and the conditions of this consent; and

(i) A statement certifying that all works have been carried out in accordance with the requirements of the consent and the RAP certified in accordance with condition 6.1.

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

2.3 The SVR shall include:

(a) The location and dimensions of the excavations (of contaminated soils) carried out, including a relevant site plan, and records of where any contaminated soil is to remain on site;

(b) Records of any unexpected contamination encountered during the Project Works;

(c) Soil sampling / validation results where remediation has been carried

out or where unexpected contamination has been encountered;

(d) Copies of the disposal dockets for the material removed from the Designation Boundary and any clean fill imported onto the Designation Boundary; and

(e) The requirements for ongoing monitoring and management (if any contamination is contained within the Designation Boundary).

Within two months of completion of Construction Works in an area to which a RAP applies, the SVR shall be submitted to BOPRC for certification that it satisfies the requirements of Conditions 46.2 and 46.3.

## 16. Works Completion Report

16.1 Within two months of completion of the contaminated land disturbance works authorised by this consent, the consent holder shall submit a Works Completion Report (WCR) to the Bay of Plenty Regional Council for written certification by a SQEP in soil contamination that the requirements of this condition have been met. The WCR shall be prepared by a SQEP in soil contamination in accordance with the current edition of the Ministry for the Environment 'Contaminated Land Management Guidelines No.1 - Reporting on Contaminated Sites in New Zealand'. The WCR shall contain the following information:

- (a) A summary of the land disturbance works undertaken.
- (b) The location and dimensions of the excavations carried out, including a site plan showing these details.
- (c) Records of any unexpected contamination encountered during the works, if applicable.
- (d) Volume and location of material disposed of offsite, copies of the disposal dockets for the material removed from the site, and cleanfill imported onto the site.
- (e) As applicable, a summary of any sampling undertaken, validation soil sampling, and unexpected contaminated material sampling, tabulated analytical results, and interpretation of the results.
- (f) A statement certifying that all works have been carried out in accordance with the requirements of this consent.

## 17. Contaminated Soil Remaining Onsite

17.1 If contaminated soil is to remain on site, the consent holder shall submit to an Ongoing Monitoring and Management Plan (OMMP) to the Bay of Plenty Regional Council for written certification by a SQEP in site contamination, within <two months> after the completion of remedial works. The OMMP shall be prepared by a SQEP in site contamination and in general accordance with Ministry for the Environment's Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Site in New Zealand. Certification is for the purpose of confirming the requirements of this condition are met.

- 17.2 (a) Where contaminated soil is to remain on site, the area shall be surveyed following the completion of soil disturbance works authorised by this consent. Survey information shall be included within the OMMP required in condition 17.1.
- (b) A geotextile fabric shall be placed over the surface of all contaminated soil that remains on site; and
- (c) Either:
  1. A layer of cleanfill shall be placed over the geotextile fabric to a minimum depth of 500mm to allow plants to stabilise; or
  2. Contaminated soil shall be capped by hardcover materials (e.g., driveways, pavements, structures).

## 18. Soil Sampling and Analysis

18.1 All soil sampling completed as part of this consent shall be overseen by a SQEP in site contamination, in accordance with the current edition of the Ministry for the Environment Contaminated Land Management Guidelines No.5: Site Investigation and Analysis of Soils and the New Zealand Guidelines for Assessing and Managing Asbestos in Soil (BRANZ).

18.2 All soil analysis required by this consent shall be undertaken by an IANZ accredited laboratory.

## 19. Review of Consent Conditions

19.1 BOPRC may serve notice on the Consent Holder under section 128(1) of the RMA of its intention to review the conditions of these Consents at any time within six months of the first, second, third and fourth anniversaries of the date of commencement of Construction Works, and thereafter five yearly. The purpose of such a review is to deal with any adverse effect on the environment which may result from the consented activity and which it is appropriate to deal with at a later stage.

### Advice Notes

1. The Consent Holder shall pay the BOPRC such administrative charges as are fixed from time to time by BOPRC in accordance with section 36 of the RMA.

2. Send all monitoring reports and notification required by these conditions to the Regulatory Compliance Manager, PO Box 364, Whakatāne 3158, or email [compliance\\_data@boprc.govt.nz](mailto:compliance_data@boprc.govt.nz) (compliance reporting) or [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz) (compliance notifications). Include the consent number RM25-0466-DC.02.

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

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

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

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

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

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

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

6. 'Stabilised' in relation to any site or area, means inherently resistant to erosion or rendered resistant, such as by grassing, mulching, or another method to the reasonable satisfaction of the Bay of Plenty Regional Council and as specified in Bay of Plenty Regional Council's Erosion and Sediment Control Guidelines for Land Disturbing Activities, Guideline 2010/01. Where seeding or grassing is used on a surface that is not otherwise resistant to erosion, the surface is considered stabilised once 80% vegetative cover has been established.

7. Information provided in the Site Validation Report (SVR) will be used, if required, to re-classify the site on the Bay of Plenty Regional Council Selected Land Use Register.

8. Air monitoring records required in the SVR should be provided in a clearance certificate completed by the licensed asbestos assessor in accordance with the current version of WorkSafe New Zealand's 'Approved Code of Practice for the Management and Removal of Asbestos'.

9. The resource consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with resource management legislation.

10. This consent is granted under the Resource Management 1991, and is not an authority under any other act, regulation or bylaw.