

### Attachment 3

#### Takitimu North Link - Stage 2

#### NZ Agency Waka Kotahi (NZTA) response to comments from Western Bay of Plenty District Council (WBOPDC) dated 9 December 2025

NZTA acknowledges the several statements made by or on behalf of WBOPDC that are supportive of / agree with NZTA's proposed approach on various matters, the bulk of which are not commented on in this response table. NZTA notes WBOPDC's confirmation that they are satisfied there are no material outstanding matters of contention and that the key issues and effects can be managed and mitigated through NZTA's Proposed Conditions. NZTA appreciates the constructive approach WBOPDC has taken towards engagement in relation to the Project throughout the Application process, and the detailed feedback it has provided on the Application and Proposed Designation Conditions.

NZTA's response to comments in the table below are supported by the statement of evidence of Mr Adrian Morton (Attachment 3A). This table should be read concurrently with that statement of evidence.

Assigned comment reference	Reference	Topic	Extracts (or summary, where specified)	NZTA response to comment
<b>1. <a href="#">WBOPDC comment (dated 9 December 2025)</a></b>				
1.1	Page 4	Deemed certification	<i>Deemed Certification – Condition GC7 identifies that a Management Plan is deemed to be certified if within a 20-working day timeframe WBOPDC has not advised otherwise. WBOPDC is concerned that this has the potential to allow works to commence without proper assessment of potential adverse environmental effects.</i>	<p>NZTA's position is that:</p> <ul style="list-style-type: none"> <li>• It has provided ample time for WBOPDC to review and certify the relevant management plans in the <a href="#">Proposed Designation Conditions</a>. Any extension of the certification process timeframes proposed would be unreasonable.</li> <li>• The Project cannot be indefinitely held up as a result of an unreasonable delay in WBOPDC providing certification of NZTA's proposed management plans.</li> <li>• The provision of deemed certification of management plans is consistent with the approach taken by NZTA for other management plans that are to be provided to the councils, or other agencies for certification.</li> </ul>
1.2	Page 4	Certification of contamination-related plans / reports	<i>The preferred approach, as currently agreed with BOPRC, is that the certification of DSIs and associated management plans / validation reports is undertaken by BOPRC. Copies of certified documents can then be provided to WBOPDC for their records. This will create a more efficient and effective process for the applicant and avoids unnecessary duplication.</i>	<p>NZTA acknowledges WBOPDC's preference for an efficient process with respect to certification of detailed site investigations (DSIs) and associated management plans / validation reports. NZTA similarly supports an efficient process without unnecessary duplication. NZTA has sought to provide for an efficient process through the <a href="#">Proposed Resource Consent Conditions</a> and <a href="#">Proposed Resource Consent Contamination Conditions</a> which require NZTA to prepare one DSIs, associated management plan, validation report etc which can be submitted to both WBOPDC and Bay of Plenty Regional Council (BOPRC) at the same time, for certification. NZTA's understanding is that WBOPDC's preference is for the DSIs, associated management plans and validation reports to be provided to WBOPDC for information, and to BOPRC for certification. NZTA understands that both BOPRC and WBOPDC are comfortable for BOPRC to certify the documents on behalf of WBOPDC. NZTA does not object to WBOPDC's proposed approach (which it understands BOPRC agrees with) and will consider how to best provide for this process within a revised set of the Proposed Resource Consent Contamination Conditions to be provided to the Panel for consideration next week.</p>
<b>2. <a href="#">11b – Attachment 2 Transport Review (dated 4 December 2025)</a></b>				
NZTA acknowledges the Transport Review provided on behalf of WBOPDC which confirms the appropriateness of the <a href="#">Integrated Transport Assessment - Appendix 9.4.1</a> and <a href="#">Proposed Designation Conditions</a> relating to transport effects.				
<b>3. <a href="#">11c – Attachment 3 Landscape Review (dated 21 November 2025)</a></b>				
NZTA has undertaken a comprehensive assessment of the potential landscape and visual effects arising from the construction and operation of the Project. NZTA has proposed a suite of conditions that will ensure any visual effects on properties in the Project area are appropriately managed. NZTA understands WBOPDC's expert generally agrees with the conditions and mitigation proposed (subject to some very limited concerns which are addressed below). Notwithstanding general agreement on the mitigation, WBOPDC's expert has raised some concerns with the adequacy of the landscape and visual assessment, that NZTA wishes to respond to. To that end, attached as Attachment 3A, is a statement of evidence prepared by Mr Adrian Morton (the author of the <a href="#">Landscape and Visual Impact Assessment – Appendix 9.4.5</a> ) which responds to the concerns raised in relation to the assessment.				
3.1	Page 15	Borrow pit	<i>In my opinion, there is insufficient information relating to the potential borrow pit located within ONL S8a to inform an effects-based assessment on landscape and visual amenity values. Following any information being made available, and an effects-based assessment being undertaken, it is recommended that a condition is provided which confirms the parameters (scale, volume, location etc) of the borrow pit and any remediation measures to be implemented once it is decommissioned.</i>	<p>NZTA is unable to confirm the size of the potential borrow pit within ONL S8a (or whether a borrow pit in this location will eventuate) as a detailed design process has not yet been undertaken for the Project. A condition specifying the parameters of any borrow pit in this location would therefore be inappropriate. While the exact scale, volume and location of the borrow pit is not yet known, the Proposed Designation Conditions set an envelope of effects, which will ensure any effects of the borrow pit will not exceed those assessed in the LVIA. The LVMP will include (as per <a href="#">Proposed Designation Condition</a> LV3(n)) re-instatement of features disturbed during Construction Works and intended to be reinstated. The reinstatement process will encompass the borrow pit, with landform profiling undertaken to integrate it into the surrounding area to allow reinstatement of the site to a productive pastoral environment (or other rural use), which will ensure the rehabilitated landform is consistent with the character of the wider landscape. Accordingly, an additional condition confirming the parameters of the borrow pit and remediation measures to be implemented is unnecessary.</p>

Assigned comment reference	Reference	Topic	Extracts (or summary, where specified)	NZTA response to comment
3.2	Page 15-16	Activities in the coastal environment	<p><i>The Assessment states that no works (with the exception of wetland enhancement planting) will be undertaken within the Coastal Environment boundary (as defined on the Regional Coastal Environment Plan maps). As the proposed designation boundary is across the Coastal Environment, it is recommended that a condition is provided which restricts any works within the Coastal Environment to wetland enhancement planting only, prohibiting other activities such as earthworks and storage of construction materials / machinery etc.</i></p>	<p>No works beyond wetland restoration works are to take place within the Coastal Environment as part of the Project and no consents are sought for such works. Accordingly, a specific condition confirming no other works will take place in the Coastal Environment is not necessary. Other works (that are not permitted activities) will not be able to take place within the Coastal Environment without obtaining the necessary consent/s, and undertaking such works without those consents would be in breach of the Resource Management Act 1991 (RMA). Any condition on this point would therefore be a duplication of existing RMA protections and merely a restatement of law. Such a condition is not necessary to mitigate the effects of the Project on the environment.</p>
3.3	Page 16	General accordance with condition	<p><i>The extent of planting included within Appendix E to the Assessment is relied-upon to mitigate long term operational effects of the project. Whilst acknowledging that the project is for a designation (as opposed to a resource consent) where the alignment of the corridor is not yet confirmed, I recommend that a 'in general accordance with' condition is provided, which allowing for any future changes in the alignment within the designation boundary, will maintain the overall extent and general coverage of planting illustrated within the concept mitigation plans.</i></p>	<p>NZTA's <a href="#">memorandum of legal submissions considerations</a> (dated 1 August 2025) address NZTA's proposed approach with regard to not having a 'general accordance with' / condition 1. See in particular paragraph 47. NZTA strongly opposes the inclusion of any 'general accordance with' condition or 'condition 1'. The Proposed Designation Conditions have been carefully developed to ensure the effects of the Project will be appropriately managed, while providing flexibility (allowing for cost efficiency and innovation through detailed design) as the Project's design is finalised. NZTA considers that the current <a href="#">Proposed Designation Conditions</a> adequately manage the anticipated landscape and visual effects of the Project (in particular, Conditions LV1-LV5). It would be premature to "lock in" the design of the Project at this point in time. NZTA is seeking flexibility (where appropriate) for the design and construction methodologies. It is not seeking flexibility of the necessary environmental outcomes. The conditions proposed establish outcome-based criteria that will ensure effects on the environment are adequately avoided, remedied or mitigated, regardless of the final design and construction methodology for the Project. The Proposed Conditions appropriately govern Project activities to ensure all effects are managed in accordance with the expectations of the technical assessments without the need to refer to specific supporting Application documents. As such, a 'in general accordance with' condition is not necessary or appropriate.</p>
<b>4. <a href="#">11d – Attachment 4 Noise Review (dated 5 December 2025)</a></b>				
4.1	Page 3	Conditions clarifications	<ol style="list-style-type: none"> <li><i>It is recommended that the applicant confirm the chainages of Clusters 2, 3 and 4 to enable confirmation that the correct chainages are included in Table 4 of Condition TN2.</i></li> <li><i>It is recommended that the applicant confirm that the requirement in Condition TN2 for LNS5 to not apply to bridges on the carriageways of the Project nor to roads administered by WBOPDC is consistent with the Acoustic Assessment.</i></li> </ol>	<p>NZTA acknowledges the Noise Review provided on behalf of WBOPDC which confirms the appropriateness of the <a href="#">Assessment of Acoustic and Vibration Effects - Appendix 9.4.3 (Acoustic Assessment)</a>. In response to the two items of clarification:</p> <ol style="list-style-type: none"> <li>The three westbound clusters requiring the use of low-noise road surface LN5 (Low-noise surface type with a road surface correction of -5 dB) are Clusters 2m, 3 and 4. The clusters extend across the following approximate chainages: <ol style="list-style-type: none"> <li>Cluster 2 westbound: chainage 11,850 – 12,250 (end of Project)</li> <li>Cluster 3 westbound: chainage 11,350 – 11,850</li> <li>Cluster 4 westbound: chainage 11,100 – 11,450</li> </ol> <p>The proposed extent of LN5 in Proposed Designation Condition TN2 Table 4 is 10,650 to 12,250, extending further than the clusters to provide for sufficient noise mitigation, and avoiding a change in road surface close to dwellings. The location of the clusters is also shown in Appendix F of the Acoustic Assessment.</p> </li> <li>The Acoustic Assessment at section 6.3.1 has assumed Stone Mastic Asphalt (SMA) surfacing for any ramps, roundabouts and bridges, and existing road surface material on the existing SH2, including where it is to be altered. LN5 has only been assessed, and is only proposed, on the main alignment of the new Project road.</li> </ol> <p>While not directly relevant to comments made on behalf of WBOPDC in relation to noise, NZTA has identified a slight figure modelling discrepancy in relation to vehicle volumes. See Attachment 3B on this point, which is an addendum to the Acoustic Assessment.</p>
<b>5. <a href="#">11e – Attachment 5 NESCS Review (dated 9 December 2025)</a></b>				
5.1	Page 2	Certification of contamination-related plans / reports	<p><i>We understand the preferred approach to the project is that review and certification of DSIs, Contaminated Site Management Plans (CSMPs), Remediation Action Plans (RAPs) and Site Validation Reports (SVRs) will be undertaken by BOPRC with copies of the certified documents to be provided to WBOPDC for their records. This approach is preferred because:</i></p> <ul style="list-style-type: none"> <li><i>For this project there is comprehensive regional and district council cross over on the contaminated land issues that are required to be assessed under the NESCS and RNR.</i></li> <li><i>BOPRC already have contaminated land technical expertise in house which provides a more efficient and effective pathway for certification of technical documents.</i></li> </ul> <p>...</p>	<p>See the response above at 1.1 in relation to the certification of contamination related plans / reports. NZTA understands WBOPDC's preferred approach is for the DSIs, associated management plans and validation reports to be provided to WBOPDC for information, and to BOPRC for certification. NZTA understands that both BOPRC and WBOPDC are comfortable for BOPRC to certify the documents on behalf of WBOPDC. NZTA does not object to WBOPDC's proposed approach (which it understands BOPRC agrees with) and will consider how to best provide for this process within a revised set of the Proposed Resource Consent Contamination Conditions to be provided to the Panel for consideration next week.</p>

Assigned comment reference	Reference	Topic	Extracts (or summary, where specified)	NZTA response to comment
			<ul style="list-style-type: none"> <li><i>Certification of Management Plans<sup>2</sup> – As noted above providing a Management Plan to WBOPDC for certification adds limited value to process and managing contaminated land effects. This is because that level of technical expertise does not 'sit' within WBOPDC</i></li> </ul>	
5.2	Page 2	Deemed certification	<ul style="list-style-type: none"> <li><i>Deemed Certification – Section 3 identifies how a Management Plan will be deemed to be certified. This includes a scenario where no Management Plan has been submitted to WBOPDC and no response is received in return. The condition appears ultra vires on this basis.</i></li> </ul>	<a href="#">Proposed Resource Consent Contamination</a> Condition 3.2 states that, if a Management Plan has been submitted to WBOPDC for certification and the specified number of working days has passed and WBOPDC has not certified (or advised that the Management Plan is not suitable to certify), the Management Plan will be deemed to have been certified. Works could not start where no Management Plan was submitted to WBOPDC (as per Condition 3.1). It is unclear as to why the author believes that the condition is "ultra vires".
5.3	Page 5 - 12	Conditions	In summary, a number of minor suggested amendments are made with respect to Appendix 9.1.5 – Proposed Resource Consent Contamination Conditions.	NZTA intends to further consider and respond to the suggested amendments in a revised set of these conditions to be provided to the Panel for consideration by 23 December 2025.