

Before an Expert Panel appointed under the Fast-track Approvals Act 2024

I mua i te roopu tohunga

Under the Fast-track Approvals Act 2024 ('FTAA')

In the matter of a substantive application under the FTAA for an alteration to an existing designation, resource consents, a wildlife approval, archaeological authorities and a complex freshwater fisheries activity, to construct, maintain and operate the Belfast to Pegasus Project

By **New Zealand Transport Agency Waka Kotahi**
Applicant

Legal submissions for the New Zealand Transport Agency Waka Kotahi in relation to completeness and scope matters to be determined by the Environmental Protection Authority

Dated 19 December 2025

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1 Introduction

- 1.1 These legal submissions address issues relating to completeness and scope which must be determined by the Environmental Protection Authority ('EPA'). They are filed together with the substantive application ('Application') lodged by the New Zealand Transport Agency Waka Kotahi ('NZTA') under the Fast-track Approvals Act 2024 ('FTAA') for all necessary approvals to construct, operate and maintain the *State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)* ('B2P' or the 'Project'). The Project is listed in Schedule 2 of the FTAA.
- 1.2 The Project will extend the State Highway 1 ('SH1') Christchurch Northern Corridor between Belfast and Pegasus and spans a linear length of approximately 11 km, commencing from approximately 600 metres (m) south of the Kaiapoi River Bridge and ending approximately 700 m north of the Pegasus/Ravenwood intersection. The Project includes upgrades to approximately 4 km of the existing SH1 and a new approximately 7 km bypass of Woodend township. The Project is described in section 3.2 of the substantive application report ('SAR') and includes upgrades to the existing SH1, construction of a new Woodend Bypass, and Project-wide activities.
- 1.3 NZTA seeks the following approvals for the Project under the FTAA:
- a Resource consents that would otherwise be applied for under the RMA, in relation to sections 9, 13, 14, and 15 of the Resource Management Act 1991 ('RMA') in relation to the relevant regional plans, the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
 - b An alteration to the existing Project designation for which a notice of requirement would otherwise be lodged under the RMA;
 - c A wildlife approval for an act or omission that would otherwise be an offence under the Wildlife Act 1953;
 - d An approval or dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity; and

- e Archaeological authorities that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014.

2 Scope of submissions and summary

2.1 These legal submissions are provided to assist the EPA in making its decision as to whether the Application complies with section 46 of the FTAA and can be provided to the panel convener.¹ In particular, these submissions:

- a Set out the legal framework that applies to the EPA's decision under section 46 of the FTAA;
- b Explain how the Application is complete and complies with the legislative requirements;² and
- c Confirm the Application is within scope and relates solely to a listed project.³

2.2 These legal submissions also briefly cover the pre-lodgement requirements.

2.3 Separate legal submissions will be provided relating to substantive matters to be determined by the Expert Panel.

2.4 In summary, the EPA must provide the Application to the panel convener because NZTA has complied with the pre-lodgement requirements and the Application:⁴

- a Complies with sections 42, 43 and 44;
- b Relates solely to a listed project;
- c Does not involve an ineligible activity; and
- d The application fees have been paid.

3 Pre-lodgement requirements for a listed project under the FTAA

3.1 NZTA has consulted the relevant persons and groups referred to in section 11 of the FTAA,⁵ and has therefore complied with section 29 of the FTAA.

¹ FTAA, s 46(3).

² FTAA, s 46(2)(a).

³ FTAA, s 46(2)(b).

⁴ FTAA, s 46(2).

⁵ SAR, section 5.

3.2 Section 30 of the FTAA requires pre-lodgement identification of existing resource consents for the same activity. NZTA has received written confirmation from Canterbury Regional Council and Waimakariri District Council that there are no existing resource consents to which section 124(1)(c) or 165ZI of the RMA would apply if the resource consents sought were applied for under the RMA.⁶ NZTA has lodged its Application within three months of receiving written confirmation from Canterbury Regional Council and Waimakariri District Council.⁷

4 Legal framework for determining completeness and scope

4.1 The EPA must, in consultation with the relevant administering agencies and consent authorities, decide whether the Application is complete and within scope.⁸

4.2 The Application will be complete and within scope if:⁹

- a It complies with sections 42, 43 and 44 of the FTAA (see section 5 of these legal submissions);
- b It relates solely to a listed project or referred project (see section 6 of these legal submissions);
- c It does not involve an ineligible activity (see section 1.5 of the SAR); and
- d Any fee, charge, or levy payable under regulations in respect of the Application is paid (see section 1.9 of the SAR).

4.3 If the EPA decides that the Application is complete and within scope, the EPA must provide it to the panel convener.¹⁰

4.4 The EPA also must, in consultation with the relevant administering agencies and relevant consent authorities, make a recommendation to the Minister for Infrastructure on:¹¹

- a Whether the Application has any competing applications (there are no competing applications to the best of NZTA's knowledge); and

⁶ Volume 21 of the Application.

⁷ As required by s 30(6)(b) of the FTAA. Written confirmation was received by Canterbury Regional Council on 2 December 2025 and by Waimakariri District Council on 8 December 2025.

⁸ FTAA, s 46(1).

⁹ FTAA, s 46(2).

¹⁰ FTAA, s 46(3)(b).

¹¹ FTAA, s 47(1).

- b Whether there are any existing resource consents of the kind referred to in section 30(3)(a) that are not identified in the Application (see section 1.10 of the SAR).

5 Completeness

5.1 A substantive application is complete if it complies with sections 42, 43 and 44 of the FTAA.¹²

5.2 NZTA's entries in the online application form ('**Application Form**') in the application portal confirm its compliance with sections 42 and 43. In particular:

- a NZTA is the authorised person¹³ identified in Schedule 2 of the FTAA and is eligible to apply for the approvals sought, including because it is a requiring authority (see section 1.2 of the SAR);¹⁴
- b The Application is for approvals set out in section 42(4) of the FTAA (see section 1.4 of the SAR);
- c The Application has been lodged within three months of written confirmation from Canterbury Regional Council and Waimakariri District Council¹⁵ that there are no existing resource consents to which section 124(1)(c) or 165ZI of the RMA would apply if the resource consents sought were to be applied for under the RMA (see section 1.10 of the SAR);¹⁶
- d NZTA is able to seek archaeological authorities because it also seeks resource consents and an alteration to an existing designation;¹⁷
- e The Application has been lodged by completing the Application Form which is in the form and manner approved by the EPA;¹⁸
- f The Application explains how the Project is consistent with the purpose of the Act (see section 2.6 of the SAR);¹⁹

¹² FTAA, s 46(2)(a).

¹³ FTAA, s 42(1).

¹⁴ FTAA, s 42(3)(a).

¹⁵ Written confirmation from Canterbury Regional Council was received on 2 December 2025 and from Waimakariri District Council on 8 December 2025 .

¹⁶ SAR, volume 2I. As required by s 42(6)(b) of the FTAA.

¹⁷ FTAA, s 42(9).

¹⁸ FTAA, s 43(1)(a) and s 43(4).

¹⁹ FTAA, s 43(1)(b).

- g The Application contains the information required by section 13(4)²⁰ (see references in the Application Form); and
 - h The Application contains the information required by sections 43(3)(a), (d), (h), (i) and (j) (see references in the Application Form).
- 5.3 The information required by section 43 of the FTAA must be specified in sufficient detail to satisfy the purpose for which it is required.²¹
- 5.4 The Application addresses the information required by section 43 in a concise manner which is proportionate to the nature of the Project and its effects. In particular, the Project:
- a Is already partially authorised by the existing designation which is subject to an extensive set of existing conditions (see section 1.3 of the SAR). The Application does not seek to re-authorise activities which are already approved, nor does it reassess the effects of approved activities;
 - b Does not impact the coastal environment, any significant natural areas, or any outstanding natural features or landscapes²² (see section 4.9 of the SAR);
 - c Overall, has no more than minor adverse effects, following mitigation, offsetting and compensation. Offsetting and compensation are proposed to address effects on wetlands, streams and lizard habitat;
 - d Has been extensively consulted on with relevant local authorities, administering agencies, iwi and the wider community, and this has not resulted in any significant areas of disagreement;²³ and
 - e Is consistent with:
 - i The purpose of the FTAA;²⁴
 - ii The purpose and principles of the RMA;²⁵
 - iii The purpose of the Wildlife Act 1953;²⁶

²⁰ Other than sections 13(4)(b), (f)(ii) and (iii) and (g) of the FTAA.

²¹ FTAA, s 44.

²² See section 8.5 of Volume 3H of the Application.

²³ SAR, section 5.

²⁴ SAR, Section 2.6.

²⁵ SAR, section 6.7.13.

²⁶ SAR, section 7.3.1.

- iv The relevant matters in the Heritage New Zealand Pouhere Taonga Act 2014;²⁷
- v Relevant national policy statements;²⁸ and
- vi Relevant regional and district planning documents.²⁹

6 Scope

6.1 A substantive application is within scope if it “relates solely to a listed project”.³⁰ A “listed project” means a “project listed in Schedule 2” and a “project” means “in relation to a listed project, the project as described in Schedule 2”.³¹

6.2 The ‘project description’ for B2P was recently updated in Schedule 2 of the FTAA by the Fast-track Approvals Amendment Act 2025 to:

Extend the State Highway 1 Christchurch Northern Corridor between Belfast and Pegasus

6.3 The updated project description in Schedule of the FTAA is consistent with the characteristics of the Project. In particular, the Project:

- a Extends the State Highway 1 Christchurch Northern Corridor;
- b Is located between Belfast and Pegasus; and
- c Includes a Woodend Bypass (which is in the ‘project name’ in Schedule 2 of the FTAA).

6.4 In summary, the Application is within scope because it relates solely to the listed Project.

7 Conclusion

7.1 We submit that the EPA can be satisfied that the Application is complete and within scope, and must provide the Application to the panel convener because the Application;

- a Complies with pre-lodgement requirements;

²⁷ SAR, sections 8.3.2 and 8.3.3.

²⁸ SAR, sections 6.7.2 – 6.7.5.

²⁹ Volume 2G of the Application.

³⁰ FTAA, s 46(2)(b).

³¹ FTAA, s 4.

- b Complies with completeness requirements in sections 42, 43 and 44 of the FTAA; and
- c Relates solely to the listed Project.



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