
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

**Memorandum of Counsel for the New Zealand
Transport Agency Waka Kotahi in response to
Minute 4 of the Expert Panel**

Dated 4 May 2026

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To the Expert Panel:

Introduction

- 1 This memorandum is filed on behalf of the New Zealand Transport Agency Waka Kotahi ('**NZTA**') in response to Minute 4 of the Expert Panel dated 20 April 2026 ('**Minute 4**') in relation to NZTA's application for approvals ('**Application**') to construct, operate and maintain the State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) ('**B2P**' or 'the **Project**').
- 2 Minute 4 contains several questions which the Expert Panel have requested be addressed in a memorandum:¹
 - (a) Does FTAA Schedule 5 clause 23 apply to the change of conditions sought for the Designation?
 - (b) Does FTAA Schedule 5 clause 30 mean that the normal RMA process of recommending back to the requiring authority (RMAs 171(2)) does not apply?
 - (c) Do amendments to the NPS-HPL affect section 6.7.3 of the Substantive Application and if so how?
 - (d) Which version of the FTAA does the Panel operate under – the 13 March 2026 version or the 17 December 2025 version?
- 3 The Expert Panel in Minute 4 also requested NZTA's position on the following matters that arose during the Project Overview Conference², including:
 - (a) WDC's view that the documentation and plans provided in the substantive application do not provide sufficient certainty of landscape outcomes (noting that WDC has requested additional documentation during ongoing post lodgement discussions);
 - (b) The 'deemed certification' of management plans (which DOC, WDC and CRC indicated they are opposed to); and
 - (c) The process that NZTA proposes for certification of the Lizard Management Plan and the Archaeological and Cultural Sites Management Plan.
- 4 This memorandum responds to each of the Expert Panel's questions in turn.
- 5 As indicated at the Project Overview Conference, NZTA also wishes to notify the Panel of a number of refinements to the scope of the application that have arisen

¹ Minute 4, paragraph 3.

² Minute 4, paragraph 4.

as Project design has evolved. These refinements are also described in this memorandum.

Schedule 5, clause 23 of the FTAA

- 6 The Expert Panel asked whether Schedule 5, clause 23 of the Fast-track Approvals Act 2024 ('**FTAA**') applies to the "change of conditions sought for the Designation". In short, it does not.
- 7 NZTA is seeking an alteration to the boundaries and conditions of an existing designation³ for which a notice of requirement would otherwise be lodged under section 181(1) of the Resource Management Act 1991 ('**RMA**').⁴
- 8 For the purposes of making a decision on an alteration to an existing designation, section 81 directs the Expert Panel to apply clauses 24 and 25 of Schedule 5.⁵
- 9 Clause 23 of Schedule 5 only applies to a change or cancellation of a resource consent condition under section 42(4)(b) of the FTAA. This is because:
- a Schedule 5, clause 23 begins 'For the purposes of section 81';
 - b Section 81 directs the Expert Panel to apply Schedule 5, clause 23 to change or cancellation of a resource consent condition under section 42(4)(b) of the FTAA; and
 - c NZTA has not applied for an approval under section 42(4)(b) of the FTAA.

Process for making a decision on the alteration to the designation

- 10 The Expert Panel has asked whether the normal process of a panel recommending a designation back to the requiring authority to make a decision applies under the FTAA. In short, it does not.
- 11 Under the FTAA, the process for a decision on an alteration to a designation under section 42(4)(d) of the FTAA is as follows:
- a The Expert Panel must decide whether to grant or decline the alteration to the designation;⁶

³ NZTA-3 in the Partially Operative Waimakariri District Plan.

⁴ Under section 42(4)(d) of the FTAA.

⁵ FTAA, sections 81(2)(b) and (3)(e).

⁶ FTAA, section 81(1)(a).

- b The Expert Panel must prepare a decision document for its decision;⁷
 - c The Panel issues and serves that decision document;⁸ and
 - d After that decision document has been issued, the territorial authority must include the designation in its district plan and any proposed district plans.⁹
- 12 There is no step for NZTA, as the requiring authority, to make a decision as it normally would under section 172(1) of the RMA.

National policy statements

- 13 The Expert Panel has asked whether the amendments to the National Policy Statement for Highly Productive Land 2025 ('**NPS-HPL**') affect section 6.7.3 of the substantive application. They do not.
- 14 The NPS-HPL was amended on 18 December 2025, with the amendments taking effect from 15 January 2026.
- 15 The amendments to the NPS-HPL are not relevant to the Project and do not change the assessment against the NPS-HPL in section 6.7.3 of the Substantive Application Report (Volume 2A). This is discussed at **Appendix A**.
- 16 However, other new and amended national policy statements were also notified on 18 December 2025 and came into force on 15 January 2026. These were:
- a a new National Policy Statement for Infrastructure 2025 ('**NPS-I**');
 - b amendments to the National Policy Statement for Indigenous Biodiversity ('**NPS-IB**');
 - c a new National Policy Statement for Natural Hazards 2025;
 - d amendments to the New Zealand Coastal Policy Statement;
 - e amendments to the National Policy Statement for Freshwater Management;
 - f amendments to the National Policy Statement for Renewable Electricity Generation; and
 - g amendments to the National Policy Statement for Electricity Networks.

⁷ FTAA, section 87(1).

⁸ FTAA, section 88(1).

⁹ See schedule 5, clause 30 of the FTAA.

- 17 New and amended national environmental standards relating to detached minor residential units, and freshwater, were also notified on 18 December 2025.
- 18 NZTA lodged its application on 19 December 2025 (the day following notification of the above documents) and did not have adequate time to include an assessment against the new and amended national instruments. This has now been done at **Appendix A**.
- 19 **Appendix A** discusses which national policy statements and amendments are relevant to the Project, and contains an assessment of the Project against the NPS-I. In summary, the NPS-I is the only relevant change notified on 18 December 2025.
- 20 Clause 3.1(1) of the NPS-I provides that “Decision-makers must give effect to this National Policy Statement on and from the commencement date”.
- 21 As a result, the Expert Panel is required to consider “relevant provisions” of the NPS-I when making its decision on the resource consent applications and alterations to the designation.¹⁰

Applicable version of the FTAA

- 22 The Expert Panel asked which version of the FTAA it should operate under.
- 23 The substantive application for the Project was lodged on 19 December 2025.
- 24 The Fast-track Approvals Amendment Act 2025 made a range of amendments to the FTAA, including amending the description of the Project in Schedule 2 to the FTAA. The Amendment Act came into force on 17 December 2025 (the first commencement date). However, various sections came into force on 31 March 2026 (the second commencement date).¹¹
- 25 The FTAA as in force on 17 December 2025:
- a Included an amended description of the Project in Schedule 2;
 - b Continues to apply in respect of an application that is lodged after the first commencement date but before the second commencement date,¹² except

¹⁰ FTAA, Schedule 5, clauses 17(1)(b) and 24(1)(a)(ii); RMA, sections 104(1)(b)(iii) and 171(1)(a)(i).

¹¹ Section 2 of the Fast-track Approvals Amendment Act 2025.

¹² FTAA, schedule 1, clause 7.

for new sections 68A, 68B and 88 which also apply to the Application because a decision has not yet been issued under section 81.¹³

- 26 New sections 68A and 68B provide for reducing the scope of a substantive application.
- 27 Section 88 has been amended to allow decision documents for two or more approvals sought in a substantive application to be issued at the same time or at different times at the discretion of the panel issuing them.
- 28 For completeness, the Fast-track Approvals (Wairakei South and Other Projects) Amendment Order 2026 came into force on 13 March 2026. This Order amended the descriptions of various listed projects in Schedule 2 FTAA, but did not amend the description of the Project. These amendments are irrelevant to the Application and the Project so it makes no difference whether the Expert Panel operates under the 17 December 2025 version or the 13 March 2026 version of the FTAA. In fact, the 31 March 2026 version of the FTAA is now available on the legislation website, and also applies to the Panel's decision-making, for the reasons explained in paragraph 25(b) above.

Certainty of landscape outcomes

- 29 WDC expressed a view at the Project Overview Conference that documentation and plans provided in the substantive application do not provide sufficient certainty of landscape outcomes.
- 30 NZTA does not consider that the documentation and plans provided in the substantive application need to provide certainty of landscape outcomes, and considers that the application contains sufficient information to assess the designation alterations sought. This is because:
- a The existing designation already authorises the majority of the landscape effects of the Project. Landscape effects are only relevant where the designation footprint is sought to be enlarged or the design has changed so as not to be in general accordance relative to the 2013 scheme design; and
 - b NZTA is required to submit an outline plan for the Project to WDC under s176A of the RMA (unless s176A(2) applies) and condition 3 of the existing designation. Conditions 34 to 37 of the existing designation require preparation of an Urban and Landscape Design Management Plan. NZTA has already begun work on the draft outline plan and Urban and Landscape

¹³ FTAA, schedule 1, clause 7(2).

Design Management Plan. The outline plan will provide more detail and plans in relation to landscaping outcomes, including the landscaping proposed as per s176A(3)(e) of the RMA.

Deemed certification

- 31 Where the proposed conditions of the wildlife approval, archaeological authorities and resource consents require NZTA to submit management plans to the relevant administering agency or local authority for certification, NZTA has proposed a condition deeming those management plans to be certified where a response has not been received from the administering agency or local authority within the specified timeframe of 30 working days.¹⁴ The Department of Conservation ('DOC'), Heritage New Zealand Pouhere Taonga ('HNZPT') and Canterbury Regional Council ('ECan') have indicated they are opposed to the deemed certification conditions.
- 32 The existing designation conditions already provide for deemed certification.¹⁵ However, in the Application as lodged, NZTA proposed to amend the designation conditions so that management plans are submitted through the outline plan process and do not go through a separate certification process. As a result, concerns about deemed certification should not apply to the designation conditions.
- 33 The intent of the deemed certification conditions is to ensure that management plans are reviewed and certified by the administering agencies or local authorities in a timely manner without unreasonably delaying the Project. NZTA considers that the inclusion of deemed certification conditions is consistent with the purpose and intent of the FTAA by facilitating the delivery of significant infrastructure projects with regional and national benefits in an efficient manner. Allowing administering agencies or local authorities to delay construction by not responding to a request for certification would be contrary to the scheme and purpose of the FTAA.
- 34 NZTA maintains this position notwithstanding that NZTA's deemed certification conditions were removed by the expert panel considering the Takitimu North Link – Stage 2 application.¹⁶ The Expert Panel for this Application is not bound by the approach taken by the Takitimu expert panel. NZTA also notes that the Homestead Bay fast-track project considered deemed certification conditions to

¹⁴ See the Substantive Application. Volume 2D Proposed Resource Consent Conditions, Schedule 2, Condition MP.3; Volume 2E Proposed Wildlife Approval Conditions, Condition WA.2; Volume 2F Proposed Archaeological Authority Conditions, Condition AA.5.

¹⁵ See conditions 4, 5 and 6.

¹⁶ Takitimu North Link – Stage 2 decision, paragraph 332.

be appropriate for ensuring the fast-track process is not undermined by open-ended review periods.¹⁷ Deemed certification conditions have also been imposed on other NZTA projects.¹⁸

- 35 In Homestead Bay, the management plans had been submitted with the application and/or had been subject to preliminary review. That expert panel considered the deemed certification condition – which only required the local authority to provide ‘feedback’ within the stated timeframe of 20 working days and did not require the plan to be fully certified in that period – struck an appropriate balance between ensuring robust management plan oversight and ensuring that the fast-track process is not undermined by open-ended review periods.¹⁹
- 36 A similar approach is being taken by NZTA for this Application. NZTA has been engaging with DOC and HNZPT on the Lizard Management Plan and Archaeology and Cultural Sites Management Plan. Some draft management plans will shortly be shared with ECan. NZTA will continue to engage on these management plans in parallel with the FTAA process. NZTA considers 30 working days is not onerous for DOC, HNZPT and ECan and is appropriate to ensure management plan review is undertaken without unreasonable delay, particularly given that some of the management plans have already been subject to preliminary review.
- 37 Furthermore, in order to prevent a management plan from being deemed to be certified, DOC, HNZPT and/or ECan need only inform NZTA that it does not wish to certify the management plan. NZTA’s view is that 30 working days is more than sufficient time to do this, especially given the extensive pre and post lodgement discussions with administering agencies and preliminary review that has occurred, and continues to occur.

Process for certification of the Lizard Management Plan and the Archaeological and Cultural Sites Management Plan

- 38 The Expert Panel asked for advice on ‘the process that NZTA proposes for certification of the Lizard Management Plan (**LMP**) and the Archaeological and Cultural Sites Management Plan’ (**ACSMP**).

¹⁷ Homestead Bay decision, paragraph 530.

¹⁸ See for example NZTA’s Pūhoi to Warkworth project, and Papakura to Drury South State Highway 1 improvements, Stage 1B2 and Stage 1B1.

¹⁹ Homestead Bay decision, paragraph 530.

- 39 The LMP and ACSMP are both largely drafted. They have been provided to DOC and HNZPT for review, and are being updated in response to feedback received as well as learnings from early Project works.
- 40 NZTA is working towards obtaining approval from DOC on the LMP, and HNZPT and Whitiara on the ACSMP before the Expert Panel issues draft conditions. NZTA intends to share these management plans with the Panel once it has reached agreement with the respective administering agencies. NZTA will then request the Panel impose conditions that will require the works authorised by the approval to be carried out in accordance with the relevant management plans (with no further certification required).

Minor changes to the scope of the Application

- 41 As indicated at the Project Overview Conference, NZTA proposes the following changes to the scope of the Application:
- a Removal of other species from the wildlife approval so that it only covers the Canterbury Grass Skink; and
 - b Removing a property from one of the archaeological authorities.
- 42 Section 68A applies where ‘a substantive application has been lodged and the applicant wishes to reduce the scope of the application by withdrawing or modifying 1 or more approvals sought in it at any time before the panel makes its decisions on those approvals under section 81’. The application of section 68A demonstrates that a reduction in scope is allowed.
- 43 In accordance with section 68A of the FTAA, if the Applicant wishes to reduce the scope of an application, it must give written notice of the proposed reduction in scope to the panel.²⁰ After receiving such a notice, the Expert Panel may, but is not required to, submit the proposed reduction in scope to the Minister for Infrastructure to determine whether the Project, in its proposed reduced form, still has significant regional or national benefits.²¹
- 44 If the Expert Panel does not submit the proposal to the Minister for Infrastructure, the Application will proceed in its proposed reduced form.²²

²⁰ FTAA s 68A(1) and (2).

²¹ FTAA, s 68A(3).

²² FTAA, s 68A(4).

45 Accordingly, NZTA gives notice that it wishes to make the following changes to the scope of the Application:

- a Removal of other species from the Wildlife Approval; and
- b Removing a property from the archaeological authorities.

46 Each change is discussed below. NZTA submits that the changes to scope are minor, and do not change the effects or benefits of the Project. Therefore, NZTA does not consider that the Panel should submit the proposed reductions in scope to the Minister.

Removal of other species from the Wildlife Approval

47 The proposed wildlife approval conditions (Volume 2E) submitted as part of the substantive application defined 'lizards' as:

Canterbury grass skink (*Oligosoma* aff. *polychroma* Clade 4), along with the incidental discovery of McCann's skink (*Oligosoma maccanni*), Southern grass skink (*Oligosoma polychroma* Clade 5), and Waitaha gecko (*Woodworthia* cf. *brunnea*)

48 Following subsequent feedback from DOC, NZTA proposes to exclude other species of lizards from its wildlife approval, except for the Canterbury Grass Skink, as there is a very low likelihood of other species occurring within the Project area due to the absence of suitable habitat. If any other species are caught during the salvage and relocation programme, incidental discovery protocols in the LMP will be implemented.

49 DOC has been informed of NZTA's intention to exclude other species and refers to it in its Section 51 Report.²³ The proposed conditions in DOC's Section 51 Report only refer to the Canterbury Grass Skink. NZTA will respond to this version of conditions as part of its Section 55 Response.

Removing a property from the archaeological authorities

50 After lodgement of the application, NZTA has decided it no longer needs to undertake works on one of the properties identified in one of the archaeological authorities, being 81 & 91 Lower Camside Road, Kaiapoi.²⁴ This property formed part of archaeological authority number 5. NZTA seeks to remove this property from its archaeological authority application.

²³ Paragraph 5.2.8.

²⁴ Identified as property number 112 in Schedule 4 to the 4D: Property Information Report lodged with the substantive application.

51 HNZPT has been informed of this reduction in scope, and has removed the property from the list of properties in the 'location' section of Archaeological Authority 5 in its Section 51 Report.²⁵ NZTA has reviewed the Section 51 Report and confirm that the properties listed in the draft archaeological authorities are correct.

Dated 4 May 2026



Nicky McIndoe / Liam Bullen
Counsel for the New Zealand Transport Agency Waka Kotahi

²⁵ Page 25.

Appendix A An assessment of the Project against new and amended national direction.

Memo

To:	Nicky McIndoe, Dentons	Job No:	1095459
From:	Kristina Mead, Tonkin +Taylor	Date:	4 May 2026
Subject:	Minute 4 of the Expert Panel: State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) Substantive Application [FTAA-2512-1157]		

1 Introduction

My name is Kristina Ruth Mead and I have been involved in the State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) (the Project) since March 2025. I am one of the authors of the Substantive Application Report (SAR) lodged with the Project’s substantive application. My qualifications and experience are set out in Section 1.11 of the SAR.

While this matter is not before the Environment Court, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 (the Code) and I have complied with the Code in the preparation of this memo.

The purpose of this memo is to respond to a question raised in Minute 4 of the Expert Panel in relation to the National Policy Statement for Highly Productive Land (NPS-HPL). Additionally, this memo provides an assessment of the Project against the National Policy Statement for Infrastructure 2025 (NPS-I) which came into force after the substantive application was lodged and consequently was not assessed within the SAR.

Other new and amended national policy statements came into force after the substantive application was lodged but are not of direct relevance to the Project, either in themselves or the specific amendments made. Specifically in relation to the National Policy Statement for Freshwater and National Policy Statement for Indigenous Biodiversity, the amendments relate primarily to quarrying activities, while the new National Policy Statement for Natural Hazards does not apply to infrastructure (as defined in the Resource Management Act 1991) and is therefore not relevant to the Project.

The following sections address amendments to the NPS-HPL and the new NPS-I in turn.

2 Amendments to NPS-HPL

Minute 4 of the Expert Panel requested the following information:

(c) *Do amendments to the NPS:HPL affect section 6.7.3 of the Substantive Application and if so how?*

Section 6.7.3 of the SAR provides an assessment of the Project against the objectives and policies of the NPS-HPL.

The recent amendments to the NPS-HPL primarily relate to pausing the requirement for regional councils to map highly productive land, and changing provisions relating to the extraction of minerals and quarrying activities. These amendments are not relevant to the Project, and do not change the assessment of the Project against the NPS-HPL or the conclusion that the Project is consistent with its objectives and policies.

However, the background/explanatory text within section 6.7.3 of the SAR referring to the (previous) requirement for regional councils to notify highly productive land maps by October 2025 should be treated as superseded as this timeframe no longer applies.

3 National Policy Statement for Infrastructure 2025

The NPS-I came into force on 15 January 2026. It applies to "*all infrastructure activities and infrastructure supporting activities*".¹

- The NPS-I applies the RMA definition of the term "*infrastructure*",² which includes (relevant to this Project): "*structures for transport on land by cycleways, rail, roads, walkways, or any other means*".³
- "*infrastructure activities*" is defined in the NPS-I as "*the construction, operation, maintenance, upgrade and removal of infrastructure and all ancillary infrastructure activities, unless otherwise specified, and include all physical components and assets associated with the infrastructure activity*".
- "*ancillary infrastructure activities*" is defined in the NPS-I as "*an activity that supports and is subsidiary to an infrastructure activity, including but not limited to:*"
 - o *vegetation clearance and tree trimming;*
 - o *earthworks and land disturbance;*
 - o *construction, maintenance, repair and upgrading of access tracks, bridges and culverts; and*
 - o *power supply and telecommunications.*"
- "*infrastructure supporting activities*" is defined in the NPS-I as "*activities that are not ancillary infrastructure activities but that are needed to directly support infrastructure activities, and may include quarrying activities.*"

The Project involves the construction, operation, maintenance and upgrade of SH1, and therefore meets the RMA definition of *infrastructure* and constitutes an *infrastructure activity* under the NPS-I. The Project also involves *ancillary infrastructure activities*, such as earthworks, vegetation clearance, and construction of bridges, culverts and stormwater infrastructure. The NPS-I therefore applies directly to all elements of the Project.

The NPS-I policies are directly enabling of infrastructure developments, such as the Project. As set out in its explanatory note, the NPS-I recognises infrastructure as a matter of national significance under the RMA, and provides national direction to support the development, maintenance and upgrade of infrastructure across New Zealand. The Project is strongly aligned with that intent.

An analysis of the Project against the objective and 11 policies of the NPS-I is provided below.

Objective

The objective of the NPS-I is to:

- (a) *ensure the national, regional and local benefits of infrastructure are provided for;*

¹ Other than renewable electricity generation assets and activities.

² Clause 1.4 NPS-I.

³ Section 2 RMA.

- (b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;*
- (c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;*
- (d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and*
- (e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.*

The Project is directly aligned with all elements of the objective, as follows:

- (a) The Project will deliver new and upgraded nationally significant infrastructure to support the continued safe and efficient operation of SH1 and in doing so will bring enduring and significant national, regional and local benefits, as set out in Part 2 of the SAR. These benefits include transport efficiency and reliability benefits (including an off-peak 3 minute travel time saving along SH1 and peak savings of up to 10 minutes), safety benefits primarily by diverting traffic from the Woodend township (estimated reduction in vehicle-related deaths and serious injuries from 5.6 per year to 1.25 per year), community accessibility benefits by reducing congestion in Woodend and improving local pedestrian and cyclist connections, and economic benefits (injecting approximately \$320 million into the Canterbury economy over a seven-year period, and generating around 624 FTE jobs during peak construction) and ongoing economic benefits during operation.
- (b) In delivering these benefits, the Project will support the social, economic and cultural wellbeing of people and communities and their health and safety. In particular, the Project will significantly improve road safety outcomes and reduce congestion within Woodend township, enhancing accessibility and connectivity for residents, businesses and freight movements.
- (c) The Project will support the development and change of both urban and rural environments to meet the needs of present and future generations, including accommodating planned growth in Waimakariri District and North Canterbury, improving access to housing and employment areas, and supporting freight and commuter movements.
- (d) The Project will be well-functioning and resilient. The Project has been designed in accordance with NZTA Standardised design solutions for use on state highway RONS and developed in collaboration with WDC. The Project has been designed to remain resilient to the potential impacts of natural hazards and climate change and will improve the resilience of the state highway network in North Canterbury. The Design Statement (Vol 3B) provides details on the design philosophy and principles.
- (e) The Project has been designed to be compatible with surrounding land uses and activities, as far as practicable. The Project involves upgrading and four-laning the existing SH1 alignment within an established transport corridor where a motorway is an expected and inherently compatible land use. The Woodend bypass element of the Project largely traverses rural farmland, where transport infrastructure of this nature can coexist with ongoing rural activities. While some adverse effects will occur, as described in Part 6 of the SAR, those effects have been comprehensively and conservatively assessed by technical specialists and are appropriately addressed through the measures proposed by NZTA, as set out in the conditions.

- (f) Granting the approvals sought for the Project, subject to the conditions proposed by NZTA, will facilitate its timely and efficient delivery, while appropriately managing adverse effects.

Policy 1: Providing for the benefits of infrastructure

Policy 1(1) requires decision-makers to "*ensure that the national, regional or local benefits of infrastructure, relative to any localised adverse effects on the environment, are recognised and provided for*". This is a directive requirement, employing the "*recognise and provide for*" language used in section 6 of the RMA. That signals that enabling the delivery of infrastructure with national, regional or local benefits, such as the Project, should be treated similarly to matters of national importance under the RMA.

In particular, Policy 1 requires the localised actual and potential adverse effects of the Project to be contextualised against the Project's benefits. While the actual and potential adverse effects of the Project are acknowledged by NZTA, they have been thoroughly assessed and appropriately addressed throughout the application and will be managed through a comprehensive package of conditions on the approvals, including preparation and implementation of a suite of management plans. On the other hand, the benefits of the Project are significant and enduring, and must be recognised and provided for.

Policy 1(2) requires decision-makers to recognise that the benefits of infrastructure, which must be recognised and provided for, include:

- (a) *providing for the social, cultural and economic wellbeing of present and future generations;*
- (b) *creating, supporting and enhancing well-functioning urban and rural environments;*
- (c) *supporting sufficient development capacity to meet demand for housing and business land;*
- (d) *providing services that are essential to support human life and the development, growth and functioning of districts, regions, New Zealand and the economy;*
- (e) *helping to protect and restore the natural environment;*
- (f) *supporting New Zealand's emissions reduction targets and mitigating the effects of climate change;*
and
- (g) *reducing the risks from, and improving resilience to, natural hazards and climate change.*

The Project forms part of an interconnected national transport network, directly linking with local road networks within Waimakariri District and providing the primary route from Christchurch to North Canterbury. The Project provides many of the benefits listed in policy 1, as described throughout the SAR. In summary, the Project will:

- Support social and economic wellbeing through improved safety, travel reliability, freight efficiency and community accessibility.
- Contribute to well-functioning urban and rural environments by supporting planned growth and connectivity.
- Support sufficient development capacity by improving access to housing and business land.
- Provide essential transport services, being the state highway network.

- Improve the resilience of the state highway network to natural hazards.

Policy 1(3) requires decision makers to recognise the significant risks that arise where infrastructure services are compromised, and that infrastructure networks can be both independent and interconnected. In this case, failure to deliver the Project would perpetuate existing safety risks, congestion and reliability constraints. Without the Project, those risks would increase over time as population, freight and traffic volumes continue to grow in Waimakariri District, as described in Part 2 of the SAR.

Policy 2: Operational or functional need

Policy 2 requires decision makers to "*recognise that infrastructure may have an operational need or functional need to operate in, be located in, or traverse particular locations and environments.*" Elements of that operational or functional need, in respect of infrastructure, are set out in Policy 2(2).

The Project has a clear functional and operational need to occupy a corridor between Belfast and Pegasus, in order to achieve the Project's objectives to create an efficient and reliable state highway connection between these two locations, as described in Part 2, section 2.4 of the SAR. The location of the corridor is largely fixed by the existing Project designation, the development of which was subject to a robust alternatives assessment as described in Part 6, section 6.4 of the SAR.

Consideration of functional need is also relevant to the analysis of the Project against the NPS-FM in respect of impacts on wetlands and rivers, as has been assessed in Part 6, sections 6.7.2.3 and 6.7.2.4 of the SAR.

Policy 3: Considering spatial planning

Policy 3(a) requires decision-makers to "*have regard to the extent to which the infrastructure has been identified within a strategic planning document, while recognising that not all infrastructure can be spatially identified in advance.*" "*Strategic planning documents*" are defined in the NPS-I to include (amongst other matters) "*regional or national land transport plans approved under the Land Transport Management Act 2003.*" Policy 3(b) further requires decision makers to "*consider relevant spatial plans and master plans prepared by the infrastructure provider and provided to the decision-maker.*"

Part 2, Section 2.2 of the SAR sets out the strategic context for the Project and describes how the Project accords with regional and national transport policy. Nationally, the Project has been prioritised as a Road of National Significance under the Government Policy Statement on Land Transport 2024-2035 and is identified as a key project for delivery over the 2024-2027 period in the National Land Transport Programme.

At a regional level, the Canterbury Regional Land Transport Plan identifies the Project as the third most important strategic transport investment for Canterbury. In addition, the Greater Christchurch Transport Plan 2025 identifies the design and planning of the Project as a key action to improve the safety and reliability of the state highway network.

Policy 4: Enabling the efficient and timely operation and delivery of infrastructure activities

Of direct relevance to the Project, policy 4(1)(a) requires decision-makers to "*enable the efficient and timely delivery of infrastructure activities*" while policy 4(1)(f) requires decision makes to "*enable the upgrading of infrastructure where this will: (i) improve the resilience of infrastructure to the risks from natural hazards and effects from climate change; maintain or improve its level of infrastructure service, including to meet increasing demand; or improve environmental outcomes.*" These are directive requirements, that need to be at the forefront of the decision-making process for this application.

The Project constitutes a significant upgrade to the state highway infrastructure in North Canterbury and will improve the resilience of the state highway network to natural hazards, and improve transport efficiency, reliability and safety including in response to increasing demand associated with population growth.

Policy 4(2) goes on to require decision-makers to "*recognise it is the role of the infrastructure provider to identify the preferred location for the infrastructure activity*". As explained in Part 6, section 6.4, NZTA has carefully assessed where the Project should be located, including consideration of alternative sites, routes and methods for the Project. This process has spanned nearly 20 years and has involved public consultation, together with a comprehensive programme of investigations and assessments, to identify the preferred solution and progressively refine the Project and consequently its specific location and the associated land requirements.

Policy 5: Recognising and providing for infrastructure supporting activities

Policy 5 requires decision-makers to "*recognise and provide for the role of infrastructure supporting activities*". In this case, the Project involves "*infrastructure activities*" and "*ancillary infrastructure activities*". The Project does not involve any "*infrastructure supporting activities*" because all of the activities fall under the definitions of "*infrastructure activities*" and "*ancillary infrastructure activities*", and "*infrastructure supporting activities*" is defined to exclude "*ancillary infrastructure activities*". Therefore, Policy 5 is not directly relevant.

Policy 6: Recognising and providing for Māori interests

Policy 6 requires decision-makers to recognise and provide for Māori interests in relation to the Project. Whitiara Centre Limited (Whitiara), has been mandated by Ngāi Tūāhuriri Rūnanga, to provide advice on environmental policy and consenting matters. NZTA has engaged extensively with Whitiara, most recently through monthly meetings since mid-2024 to discuss Project programme, risks, input and areas of cooperation.

A Cultural Advisory Group has been established (as required by the existing Designation conditions) and has jointly prepared the Archaeological and Cultural Sites Management Plan. The group will provide ongoing advice on cultural design elements, including cultural art, naming and planting. Whitiara has provided cultural monitoring services during the investigation works and will provide ongoing support during construction of the Project.

Whitiara prepared a Statement of Cultural Values, Interests and Priorities (Vol 1E) and reviewed or directly drafted a number of sections of the SAR, including describing the Project's cultural setting (Part 4, section 4.3), assessing cultural effects (Part 6, section 6.6.3) and consideration of Project against the Mahaanui Iwi Management Plan (Part 6, section 6.7.11).

Through genuine and ongoing engagement with Whitiara, and the integration of cultural advice, values and monitoring into Project design and delivery, the Project recognises and provides for Māori interests and is strongly aligned with Policy 6.

Policy 7: Assessing and managing the effects of proposed infrastructure activities

Policy 7 prescribes how the effects of the Project must be considered. The general direction of policy 7 (in combination with policy 9, discussed below), is that the effects of infrastructure projects will be capable of being appropriately managed, in a way that enables the delivery of the project.

Specifically, policy 7 requires that, "*when assessing and managing the effects of infrastructure activities, decision-makers must:*

- (a) have regard to the extent to which adverse effects have been avoided, remedied or mitigated through the selection of the route, site or method of undertaking the work;*
- (b) consider the technical and operational requirements and constraints of infrastructure activities;*
- (c) take into account the extent to which the effects of the infrastructure activities are different in scale, intensity, duration and frequency from the effects of existing infrastructure;*
- (d) take into account relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies to assess and manage adverse effects; and*
- (e) ensure that the mitigation measures and consent conditions are proportionate to the scale of adverse effects generated by the activity."*

A comprehensive assessment of effects on the environment arising from the Project is provided in Part 6, section 6.6, based on findings presented in the suite of technical assessments which accompany the application. It is noted the Project designation is already in place and the application does not reassess activities and associated environmental effects that are already authorised by the Designation, except those directly related to the designation alterations sought.

Specifically in relation to the matters set out in policy 7, the following points are noted:

- (a) Project development (including route, site and method selection), has avoided, remedied and minimised adverse effects. Since Project inception there have been a range of assessments and investigations to identify the preferred solution and progressively refine the Project and consequently its effects, as described in Part 6, section 6.4. While the location of the corridor is largely fixed by the existing Project designation, design refinement and construction methodology, including a comprehensive package of conditions and management plans (described in Part 6, section 3.6), will ensure construction and operational effects are avoided, remedied and minimised in line with good practice.*
- (b) There are inherent technical and operational requirements and constraints associated with delivering and operating a state highway, including safety, geometric design, network performance and long-term maintenance considerations.*
- (c) The assessment of effects undertaken to support the Project considers the effects of the Project itself compared to the existing environment, rather than undertaking a comparison with the scale, intensity, duration and frequency of effects from the existing state highway network (although the existing network does form part of the existing environment). In general, it is reasonable to expect the Project will result in effects of a greater scale and intensity during the construction period, compared to the existing environment, as is typical for major infrastructure upgrades. Over the long term, however, the operational adverse effects are expected to be broadly similar in nature to those of the existing state highway, while delivering improved safety and efficiency outcomes, including through reduced through-traffic effects within the Woodend township.*

- (d) The relevant international and national standards and recognised best practice standards and methodologies have been applied to assess and manage effects, as discussed in the various technical assessments prepared and included with the application.
- (e) NZTA has proposed mitigation measures and consent conditions that are proportionate to the scale and nature of the Project's actual and potential adverse effects. Policy 7 contains a clear direction that mitigation measures and conditions should not be disproportionate to the effects generated by infrastructure activities. That direction is reflected in NZTA's proposed conditions, which focus on managing effects effectively while maintaining flexibility to deliver the Project efficiently.

Policy 8: Operation, maintenance and minor upgrade of existing infrastructure

Policy 8 requires decision makers to "*enable the efficient operation and maintenance and minor upgrade of existing infrastructure, provided that, where practicable, adverse effects are avoided, remedied or mitigated*". Approvals are sought for the construction, operation and long-term maintenance of the Project, including associated land use consents, water permits and discharge permits for operation and maintenance. The actual and potential effects of ongoing operation and maintenance activities have been assessed as part of the application, and the conditions proposed by NZTA appropriately provide for the efficient functioning of the state highway while managing adverse effects.

Policy 9: Managing the effects of new infrastructure and major upgrades

Policy 9 provides as follows:

1. *Decision-makers must enable new infrastructure or major upgrades of existing infrastructure activities in all environments.*
2. *Where infrastructure activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside other relevant national direction, regional policy statements and regional and district plans.*
3. *Where (2) does not apply, the adverse effects of new infrastructure and major upgrades must be, where practicable, avoided, remedied or mitigated.*

Policy 9(1) provides a strong and directive requirement to enable new infrastructure and major upgrades in all environments. The Project constitutes a major upgrade to nationally significant transport infrastructure and must therefore be enabled in accordance with this policy. Consistent with Policy 7, the overarching direction is that the Project's effects can be appropriately managed while enabling delivery of the infrastructure and granting the approvals sought.

Policy 9(2) recognises that, where section 6 of the RMA is engaged, effects on those environments and values must be considered alongside the strong enabling direction in Policy 9(1). Ultimately, that means enabling the Project, while providing for other relevant policy direction as far as practicable. An assessment against the matters of national importance as they are relevant to the Project is provided in Part 6, section 6.7.13.2. By way of summary, effects on environments and values recognised and provided for in section 6 of the RMA are appropriately managed, through application of the effects management hierarchy in relation to wetlands, rivers and areas of indigenous biodiversity, and through conditions and management plans. The relationship of Māori and their culture and traditions has been provided for through early and regular engagement on the Project, cultural monitoring, the joint development of an Archaeological and Cultural Site Management Plan

and the formation of the Cultural Advisory Group to provide advice on planting, art installation, and naming. An assessment of relevant national direction in relation to these matters is provided in Part 6, section 6.7, with an assessment against regional and district policy contained in Vol 2G. Overall, the Project is consistent with the relevant provisions of national, regional and district policy as it relates to the environment and values to be recognised and provided for in section 6 of the RMA.

Where section 6 RMA values and environments are not applicable, the direction in policy 9(3) is that the adverse effects of the Project are to be "*where practicable, avoided, remedied or mitigated*". The "where practicable" qualifier is important and recognises the operational, technical and locational constraints inherent in major infrastructure projects. NZTA has proposed practicable and proportionate measures to manage the Project's effects, and Policy 9 does not direct an approach that seeks to eliminate all effects regardless of feasibility, cost or impact on the delivery of nationally significant infrastructure.

Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities

Policy 11: Assessing and managing the interface between infrastructure and other activities

Policies 10 and 11 apply to plan-making processes, and so are not directly relevant to this Project.

Conclusion

Overall, the Project is strongly consistent with the objective and relevant policies of the NPS-I. The Project delivers national, regional and local benefits, responds to a clear operational and functional need, aligns with strategic transport direction and has been designed to be resilient, efficient and compatible with surrounding land uses as far as practicable.

The actual and potential effects of the Project have been comprehensively assessed and are appropriately managed. Consistent with the strong enabling direction in the NPS-I, the Project's effects can be effectively managed, and the Project should be enabled to support the timely delivery of this nationally significant transport upgrade.

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