
Under	the Fast-track Approvals Act ('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

Second Statement of Evidence of Jason Savelio
Karena Pene (air quality)

Dated 3 July 2026

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Second Statement of evidence of Jason Pene

1 Introduction

- 1.1 My full name is Jason Savelio Karena Pene.
- 1.2 My qualifications and experience are set out in paragraphs 1.2 – 1.6 of my first statement of evidence (dated 15 May 2026), provided as part of the New Zealand Transport Agency Waka Kotahi ('NZTA') response to comments from invited parties.
- 1.3 I repeat the confirmation in my first statement of evidence, that I have read and am familiar with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and agree to comply with it.

2 Scope of evidence

- 2.1 My evidence addresses conditions C4.12 and C4.13 proposed as part of the Panel's draft decision. These conditions relate to the discharges to air from outdoor stockpiling of bulk solid materials, for which resource consent is sought.

3 Draft condition C4.12

- 3.1 Condition C4.12 proposed in the draft decision sets out minimum requirements for dust management measures.
- 3.2 I agree that stipulating minimum requirements for management of consented dust discharges via condition is appropriate. However, I have concerns relating to the specific content of draft condition C4.12. **Table 1** below sets out my concerns and recommended revisions.

Table 1: Comments and proposed revisions to Draft Condition C4.12

Content of draft condition	Comments on condition content	Recommended revision to the condition content
<i>The Consent Holder must take all practicable measures to prevent the discharge of dust from stockpiles.</i>	The intent to require implementation of measures "to prevent the discharge" would frustrate the consent being sought for the discharges to air (from the outdoor storage of bulk solid materials). Replacement with "The Consent Holder must take all practicable measures to prevent or minimise the adverse effects on the environment of the discharge of dust from outdoor stockpiles..." would be consistent with the definition of best	Modify the content as follows: <i>The Consent Holder must take all practicable measures to prevent <u>or minimise the adverse effects on the environment of</u> the discharge of dust from <u>outdoor</u> stockpiles.</i>

Content of draft condition	Comments on condition content	Recommended revision to the condition content
	practicable option set out in section 2 of the RMA* (which has been adopted in Table 2.1 of the CARP**) and therefore Policy 6.3 of the CARP.	
References to "construction activities" at clauses (a) and (c)	References to construction activities in general would extend beyond the scope of the consent, which is limited to outdoor stockpiling activities.	Replace references with the following: ... construction <u>outdoor stockpiling</u> activities.
<i>(b) Water suppression such as using watercarts or fixed sprinklers will be applied as required to dampen down stockpiles. This shall occur during dry weather, irrespective of wind speed and a backup watercart shall be available in the event that the dedicated site watercart breaks down;</i>	While I consider that water suppression will be an important component of the dust management regime for the Project, I have the following concerns in relation to the wording of clause (b) and recommend that it be revised: - Watercarts are not likely to be appropriate for application of water to the sloped surfaces of stockpiles (hoses, sprays or sprinklers are more likely to be used). - Introduction of a "maintained in damp condition" performance standard for watering of stockpiles would mean references to watering methods and weather conditions could be removed from the condition. - Given the low sensitivity of much of the adjoining rural receiving environment, the minimum requirement to apply water to stockpiles should be restricted to those located proximate to sensitive activities. - Discharges to air from indoor stockpiles are permitted (and the condition should be restricted to outdoor stockpiles). - Provision should be made in the condition for covering or stabilisation (e.g. with vegetative cover or chemical stabilisers) as dust management alternatives to water suppression.	Replace clause (b) as follows: Water suppression such as using watercarts or fixed sprinklers will be applied as required to dampen down stockpiles. This shall occur during dry weather, irrespective of wind speed and a backup watercart shall be available in the event that the dedicated site watercart breaks down; <u>All outdoor stockpiles within 250m of a residential zone or 100 m of a SAQRA must be covered, stabilised or maintained in a damp condition.</u>
Reference to "electronically logging findings" at clause (c)	While the findings of "routine onsite and offsite inspections of visible dust emissions" may be logged electronically, the potential for paper recording of findings should not be precluded unnecessarily.	Modify reference at clause (c) as follows: ... electronically logging findings...
<i>(e) Maintaining the sealed site entranceway in a clean condition, by sweeping or other methods, to minimise dust emissions from vehicle movements</i>	The site entranceway does not relate to discharges to air to be consented (from the outdoor stockpiling of bulk solid materials) and should be deleted.	Delete clause (e) (e) Maintaining the sealed site entranceway in a clean condition, by sweeping or other methods, to minimise dust emissions from vehicle movements.

* Resource Management Act 1991

** Canterbury Air Regional Plan

- 3.3 In summary, it is my opinion that the following revisions to Condition C4.12 of the draft decision would provide for greater clarity of requirements and more effective management of the potential air quality impacts of dust from outdoor stockpiling of bulk solid materials during Project construction:

The Consent Holder must take all practicable measures to prevent or minimise the adverse effects on the environment from the discharge of dust from outdoor stockpiles. This must include, but not be limited to:

- (a) Assessing weather and ground conditions (wind and dryness) at the start of each day and ensuring that applicable dust mitigation measures and methods are ready for use prior to commencing ~~construction~~ outdoor stockpiling activities;
- (b) ~~Water suppression such as using watercarts or fixed sprinklers will be applied as required to dampen down stockpiles. This shall occur during dry weather, irrespective of wind speed and a backup watercart shall be available in the event that the dedicated site watercart breaks down. All outdoor stockpiles within 250m of a residential zone or 100 m of a SAQRA must be covered, stabilised or maintained in a damp condition.;~~
- (c) Undertaking routine onsite and offsite inspections of visible dust emissions from outdoor stockpiles throughout each day ~~of construction activities~~ and ~~electronically~~ logging findings and any dust suppression actions, and making the results of the inspections available to the CRC, upon request;
- (d) Maintaining an adequate supply of water and equipment on site for the purpose of dust suppression at all times;
- (e) ~~Maintaining the sealed site entranceway in a clean condition, by sweeping or other methods, to minimise dust emissions from vehicle movements.~~

4 Draft condition C4.13

- 4.1 The Panel has adopted, at Condition C4.13, CRC's proposed condition requiring the Consent Holder to undertake specific response actions in the event that visible dust is identified to have been emitted beyond the site boundary. I consider Condition C4.13 to be unnecessary.
- 4.2 Condition MP.9 already requires the CAQMP to address investigations of the cause of the visible dust and response actions. As condition C4.13 does not specify any requirements that are not already provided for in other conditions, it is my opinion that Condition C4.13 is superfluous. I therefore consider that the condition should be deleted in its entirety.

- 4.3 If condition C4.13 is to be retained and imposed, I have a number of concerns relating to the specific content of the draft condition that should be addressed.
- 4.4 While the Panel has not adopted the explicit requirement to cease activities proposed by CRC, clause (c), which states “*Only resume construction activities (other than dust suppression) once there is no longer visible dust blowing beyond the site boundaries*”, potentially indirectly infers that a cessation of activities is required in the event of a visible dust incidence. This clause could also be interpreted to relate to all Project construction activities rather than the consented stockpiling activity (and, specifically, the stockpiling activities causing the visible dust).
- 4.5 I therefore consider that if condition C4.13 is to be retained, either clause (c) should be deleted in its entirety (preferably), or it should be amended as follows:

only resume ~~construction activities (other than dust suppression)~~
loading or unloading of material to outdoor stockpiles identified to be
the cause of the visible dust...

- 4.6 In relation to the trigger for response actions under the condition, a substantial proportion of the land adjoining the Project alignment is occupied by rural activities of relatively low sensitivity to construction dust. Visible emissions at the boundary with these activities would have a low potential to cause adverse air quality effects. Accordingly, I consider that a blanket requirement to cease activities where there is little potential for adverse effects would be unnecessarily onerous. Therefore, if condition C4.13 is to be retained and imposed, the trigger for response actions should be restricted to:

visible dust resulting from the stockpiles is blowing beyond ~~the~~ site
boundary adjoining a SAQRA.

- 4.7 In summary, if Condition C4.13 is imposed, I support the Panel's decision not to adopt CRC's proposed clause that would require an unrestricted cessation of construction activities in the event of visible dust emissions beyond the site boundary. However, clause (c) of the condition still potentially infers a requirement to cease all construction activities, including activities not associated with the visible discharge. I consider this inferred requirement would be onerous and disproportionate to the potential air quality impacts.
- 4.8 As the remaining requirements of Condition C4.13 of the draft decision are provided for in other conditions of consent, I also consider Condition C4.13 to be superfluous. It is therefore my opinion that Condition C4.13 should be deleted in its entirety.

- 4.9 While my recommendation is to delete Condition C4.13, if the Panel considers it should be retained, I consider that the following amendments should be made to provide for greater clarity of management requirements:

If at any time, ~~including normal operating hours,~~ visible dust resulting from the stockpiles is blowing beyond the site boundary adjoining a SAQRA as a result of the Consent Holder's operation, the Consent Holder must:

- (a) Continue all dust suppression activities including but not limited to the immediate watering of both active and inactive stockpiles;
- (b) Investigate possible sources of the dust;
- ~~(c) Only resume construction activities (other than dust suppression) once there is no longer visible dust blowing beyond the site boundaries; and~~
- (d) Notify the CRC within 24 hours, detailing its cause and the dust suppression actions undertaken.

- 4.10 If clause (c) of Condition C4.13 is to be retained, I consider the following revisions should be made to relate the requirements to the consented activity and for consistency with the revisions I have recommended in paragraph 3.3 above:

- (c) Only resume ~~construction activities (other than dust suppression)~~ loading or unloading of material to the outdoor stockpiles identified to be the cause of the visible dust once there is no longer visible dust blowing beyond ~~the~~ site boundaries adjoining a SAQRA; and

Jason Pene
3 July 2026