

NZTA response to Department of Conservation comments on the Panel's draft conditions in relation to State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)

Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
Comments on draft conditions of Wildlife Act approval			
Sch 1, cl 1	A. <u>Activity:</u> <u>a)</u> To catch alive and liberate relocate lizards; and a)b) <u>To handle lizards for the purpose of data collection; and</u> b)c) To incidentally harm or kill lizards for the purpose of protecting the Lizards by way of salvage along with post-relocation monitoring at Relocation Sites.	The Department recommends 'liberate' replaces 'relocate' to align with the activities defined in the Wildlife Act 1953. It is also recommended handling for the purpose of data collection is specified as an activity.	NZTA accepts the suggested amendments. NZTA's comments on the draft decision also sought to change "relocate" to "liberate". NZTA's comments on the draft decision had also sought to delete "harm or", on the basis that this was preferred by DOC. However, this deletion is no longer sought, as DOC's comments have not sought this.
Sch 1, cl 2	Catching alive lizards in cConstruction areas involving vegetation clearance including: a) Cam River / Ruataniwha to Williams St b) Quarry Lakes – Woodened Beach Road c) Woodened Beach Road – Gladstone Road d) Gladstone Road – SH1 e) Pegasus Interchange Liberating Relocating and releasing lizards in the following sites (as shown on Schedule 4):	The Department recommends the conditions are amended to refer to 'catching alive lizards in construction areas...' and 'liberating lizards in the following sites...' to align with the proposed changes to the condition above and the activities defined in the Wildlife Act 1953.	NZTA accepts these suggested changes, as they add clarity.

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	a) Primary Relocation Site: Barkers Road (Lot 1 DP 423296, Lot 2 DP 423296, Lot 1 DP 359788, and Lot 2 DP 359788), and Contingency Relocation Site: Barkers Road (Lot 3 DP 423296)		
Sch 1, cl 3	Lead Herpetologist: a) Rieke Behrens b) David Pickett c) Christopher Woolley d) Sam Heggie Gracie Other Suitable <u>Suitably-Qualified Person(s)</u>: a) Liz Curry b) Jamie MacKay c) <u>Nicki van Zyl</u> d) <u>Sam Mulcock</u> e) <u>Shaun Morgan</u> f) <u>Ashleigh Johnston</u> g) <u>Tarryn Wyman</u> h) <u>Josh Forrest</u> a) Other Personnel under the supervision of Lead Herpetologist(s): a) Cid Shearman b) Bex Diederichson c) Matt Barson d) Pippa McAnergney e) Paul Dyer	The Department recommends Schedule 1 clause 3 is amended to refer to the following Lead Herpetologists: Rieke Behrens, David Pickett, Christopher Woolley and Sam Heggie Gracie. The second group of people are recommended to be classified as 'Other Suitably Qualified Person(s) as they are not necessarily specialised herpetologists including Liz Curry, Jamie MacKay, Nicki van Zyl, Sam Mulcock, Shaun Mulcock, Shaun Morgan, Ashleigh Johnston, Tarryn Wyman and Josh Forrest. It is not considered necessary to include the third group of people listed as it is appropriate to refer to "Personnel under the supervision of Lead Herpetologist".	NZTA accepts the suggested change in part NZTA accepts the suggested change to "suitably qualified persons(s)". The persons listed in red in DOC's comments on the draft decision are already listed in the draft decision (i.e. they should not be shown in red). NZTA accepts the suggested deletion of the third group of people, on the basis that the approval authorises all personnel under the supervision of the Lead Herpetologist. NZTA rejects deletion of the text "Additional personnel as may be approved in writing by DOC". Clause 9 of Schedule 3 allows for the appointment of additional persons in this manner, and the definition of 'material change' clarifies that the appointment of additional personnel would not be a material change. The processes suggested by NZTA for the appointment of additional personnel are appropriate, given the 20 year duration of the

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	f) — Danielle Cairns g) — Laura Francis [to be confirmed]; and Additional personnel as may be approved in writing by DOC	The Department recommends the removal of the wording " <i>additional personnel as may be approved in writing by DOC</i> ". Changes to the personnel listed in the Lizard Management Plan would be considered a variation to the wildlife approval.	authority. On the basis that other personnel under the supervision of Lead Herpetologist do not need to be named on the Wildlife Approval, NZTA has suggested minor changes for clarification to Clause 9 of Schedule 3 to make clear this process applies to Lead Herpetologists and other SQPs.
Throughout	"Authority"	The Department recommends the use of 'Approval' rather than 'Authority' to align with the Fast-track Approvals Act terminology.	NZTA accepts this suggestion.
Sch 2	"What are the liabilities?".	The Department strongly recommends the conditions specified under the heading 'What are the liabilities' contained in Schedule 2 of the s51 Report prepared by the Department of Conservation and dated 15 April 2026 are retained. These conditions are standard provisions contained in the Department's permit template and set out the Approval Holder's responsibility for any loss, damage, costs, claims, or liabilities arising from the exercise of the approval, including obligations to indemnify the Crown where applicable.	NZTA rejects this suggestion for the following reasons: • Conditions should not be imposed simply because they are "standard". • The standard conditions (including those relating to liabilities) simply restate the existing law. NZTA is a Crown entity and section 163 of the Crown Entities Act 2004 prohibits NZTA from giving an indemnity. In any event, there is no utility in a Crown Entity indemnifying the Crown.
Sch 3, table and cl 2	Material Change — Material change means any change to the LMP that would materially alter the management of effects on Lizards, where that	The Department disagrees with the proposed defined term for 'material change'. The term is self-defining as it uses the term "materially" within	NZTA rejects these suggested changes. The definition of 'Material change', and the ability to make minor changes without needing to

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	change may increase the risk of injury or mortality to lizards, reduce the likelihood of successful relocation, or reduce the ability to comply with the conditions of this approval. For the avoidance of doubt, 2. Except for Material Changes, the LMP attached as Schedule 5 to this Approval may be amended without the need for certification and shall thereafter be provided to DOC and Whitiara for information.	the definition to define material change. As currently drafted, the conditions for the Department of Conservation as the regulator of the Wildlife Approval is not able to oppose a change to a management plan that the applicant considers is not a material change and therefore would allow the applicant to one-sidedly change the management of the wildlife approval which would be inconsistent with the Wildlife Act. The Department recommends that the phrase "Material Change" is not used throughout the condition set.	formally vary the approval are important to ensure the adoption of improved processes, and the learning from works as they occur.
Sch 3, cl 3	The Authority Holder may propose Material Changes to <u>vary</u> the LMP at any time. Any proposed Material Changes <u>variation</u> must be prepared by a SQP and must be submitted to the DOC Department of Conservation via permissions@doc.govt.nz – Operations Manager for Mahaanui for certification to by the Director-General of Conservation that the LMP, as amended by the Material Change, ensure the LMP remains appropriate for achieving the purpose of reducing the injury and mortality of lizards during	The Department recommends clause 3 of Schedule 3 is amended to require any proposed variation to the LMP to be submitted by email to permissions@doc.govt.nz and that any proposed changes remain appropriate pursuant to the Wildlife Act.	NZTA accepts the changes in part NZTA rejects the changes which remove reference to 'Material Changes', for the reasons explained above. NZTA accepts the suggestion to add a reference to the suggested email address. It is not necessary to refer to 'Department of Conservation' in full, as this is a defined term.

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	Construction Works and post relocation monitoring.		
Sch 3, cl 4	At least 10 Working Days before providing the Material Change proposed variation to the Department of Conservation-DOC Operations Manager in accordance with condition WA.3, the proposed variation Material Change must be provided to Whitiara for review and comment. The Approval Holder must consider any written feedback received from Whitiara and update the proposed variation Material Change in response to feedback as the Approval Holder considers appropriate, prior to providing the Material Change to the DPC Operations Manager for certification. Advice Note: Certification must not be unreasonably withheld or delayed and certification or a response from DOC is expected to take no longer than 30 working days.	The Department recommends clause 4 of Schedule 4 is amended to require any proposed variation to be provided to the Department of Conservation and a variation to the LMP is sought pursuant to the Wildlife Act. Amendments are also recommended to the advice note to refer to a variation.	NZTA rejects the changes proposed NZTA rejects the changes which remove reference to 'Material Changes', for the reasons explained above. It is not necessary to refer to 'Department of Conservation' in full, as this is a defined term. NZTA rejects deletion of the advice note. This note assists to guide expectations.
Sch 3, cl 5	Any Material Changes may only be implemented once certification has been received. No proposed variation(s) to the LMP are valid unless certified by the Department of Conservation.	The Department recommends clause 5 is redrafted to be clear that a proposed variation cannot be implemented without receiving certification by the Department of Conservation.	NZTA rejects the suggested amendment. There is no ecological reason to require the certification of non-material changes to the LMP.

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Sch 3, cl 6	The Approval holder must review the LMP and resubmit it to the Director-General of Conservation via permissions@doc.govt.nz for certification on or before the 10 year anniversary date of the Approval date. The objective of the review is to re-assess habitat conditions and characteristics and update the LMP to reflect current species knowledge, best practice lizard management and mitigation techniques.	The Department recommends the LMP is resubmitted to the Director-General of Conservation for decision on or before the 10-year anniversary	NZTA accepts the suggestion to provide an email address.
Sch 3, cl 8	Capture and handling methods must involve only techniques that minimise the risk of <u>stress</u> , infection and or injury to the animal and must follow those described in the Herpetofauna inventory and monitoring toolbox https://www.doc.govt.nz/our-work/biodiversity-inventory-andmonitoring/herpetofauna/	The Department recommends the condition be amended to include 'the risk of stress, infection and injury'. Stress can result in mortality if unrecognised by the handler.	NZTA accepts the suggested amendment. NZTA agrees that the risk of stress should be minimised.
Sch 3, cl 9	In addition to those personnel authorised to undertake the Authorised Activity, additional personnel may handle Lizards where the DOC Operations Manager for Mahaanui has agreed in writing. When seeking written agreement, the Approval Holder shall provide evidence of the additional person's relevant qualifications and experience.	The Department considers that clause 9 contradicts with clause 2 above and should be deleted. DOC considers that any changes or additions to personnel are dealt with as a variation to the Wildlife approval.	NZTA rejects the suggested amendment. Changes to authorised personnel will be required over the 20 year duration of the authority. It would be administratively cumbersome to require all of these changes to be processed as variations. NZTA has suggested minor changes for clarification to Clause 9 of Schedule 3 to make clear this process applies to Lead Herpetologists

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			and other SQPs. Other personnel under the supervision of the Lead Herpetologists do not need to be named on the Wildlife Approval and therefore agreement is not necessary from DOC if these other personnel change.
Sch 3, cl 10	If any lizards are found injured, the Lead Herpetologist must be contacted to get advice on management of the lizard. Injured lizard(s) may be euthanised on recommendation of the Lead Herpetologist or a Veterinarian <u>if the SQP on-site has the skills to humanely euthanise.</u>	The Department proposed minor amendments to Schedule 3 clause 10 to specify who can perform euthanasia.	NZTA accepts the suggested amendment as it makes clear that the SQP on-site can euthanise a lizard (if directed to by the Lead Herpetologist), rather than having to transport the lizard to a veterinarian for euthanasia.
Inclusion of new condition	<u>Lizard capture, handling and liberation must only be undertaken between 1 October and 30 April when lizards are most active.</u>	The Department recommends the inclusion of an additional condition for lizard capture, handling and liberation to only be undertaken between 1 October and 30 April. This condition was proposed in the Section 51 Report prepared by the Department of Conservation as part of Schedule 3 – Special Conditions – Lizard Management Plan. The efficacy of salvage efforts reduces significantly when works are undertaken outside of the appropriate lizard season.	NZTA accepts the suggested new condition. The effect of this condition is the same as that proposed by NZTA in its response to comments (see Attachment 9, condition WA.3).

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Sch 3, cl 14	This Approval gives the Approval Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Approval. All absolutely protected wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.	The Department supports this condition.	NZTA accepts condition 14, as included in the draft decision.
Comment on draft conditions of resource consent C1 – Land use consent (earthworks) CRC263282			
C1.30 Inclusion of new condition	(a) <u>Prior to commencement of Construction Works within the wetlands noted below and on Plan CRCxxxxxx, and no later than 31 December 2026, the Consent Holder shall undertake a targeted Canterbury mudfish survey.</u> (i) <u>CR_W1_NPSFM;</u> (ii) <u>CR_W2_NPSFM;</u> (iii) <u>FR_W4_NPSFM;</u> (iv) <u>WC_W2_NPSFM;</u> (v) <u>WC_W3_NPSFM;</u> (vi) <u>WC_W4_NPSFM; and</u> (vii) <u>WC_W6_NPSFM.</u> (b) <u>The survey shall be:</u> (i) <u>undertaken by a SQP with specific expertise in mudfish survey methods;</u>	The Department requests the reinstatement of C1.30 from the applicant's response to section 53 comments. It considers that there are additional wetland habitat that could be suitable for Canterbury mudfish within the Project site which have not been surveyed for this species. See Attachment A from Dr. Dunn on the additional seven sites that he considers should be surveyed for Canterbury mudfish. The threat classification of Canterbury mudfish, as the Panel has noted in its draft decision, warrants a survey of additional wetlands to be undertaken. It is inappropriate for the Canterbury Mudfish	NZTA accepts suggestion in part NZTA suggests reinstatement of a similar condition that was included in NZTA's response to comments (Attachment 8), dated 15 May 2025. The reinstated condition would require a further pre-construction survey at wetland WC_W6_NPSFM only, with a management plan required if any Canterbury Mudfish are found. An accidental discovery approach will be applied to other wetlands as already secured under Schedule 3 Condition EM.1.

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	(ii) <u>undertaken at a time of year determined by the SQP to be appropriate for the life stage targeted;</u> (iii) <u>undertaken in accordance with the methods described in Ling et al. 2013: A revised methodology to survey and monitor New Zealand mudfish; and</u> (iv) <u>designed to determine, to the extent practicable, whether Canterbury mudfish are present within the affected wetland habitats within the project site.</u>	Management Plan (CMMP) to only be created in response to Canterbury mudfish being discovered when works commence, which would be an accidental discovery protocol. Further, in the draft decision condition CM.1, if Canterbury mudfish are found during the course of works, all works within the area must be stopped until the CMMP is certified, which would lead to significant delays in construction when surveying could be done ahead of time to reduce the risk. Surveys should be carried out before the works are started to ensure that there are no accidental adverse effects on the species.	NZTA does not accept targeted Canterbury mudfish surveys are required at the six additional wetlands suggested by DOC. The evidence of Patrick Lees (15 May 2026) provides the rational to why these six additional wetlands do not require kōwaro surveys. The following points are noted in response to DOC's comments and the attached Memo of Dr Dunn: <u>Cam River wetlands</u> CR_W1_NPSFM and CR_W2_NPSFM are present on a paleo river channel with substrates formed by the historic path of the Cam River. The historic river channel at this location did not support known kōwaro habitat preferences due to the, at times, in channel high flow / velocity, tidal influences, and fluctuations in salinity. In addition, both wetlands are directly linked to the Cam River during high tide, therefore opportunities for eel (<i>Anguilla sp</i>), which are locally abundant, to enter these areas is high. Given eel are known to predate on mudfish, if kōwaro were present it would be expected eel predation would prevent their establishment. Dr Dunn (2026) notes the presence of kōwaro in the Cam River catchment. This historic record

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			(1946) was identified c.9.5 km upstream of the wetlands/Cam River reach in question. Aerial imagery (both historical and present) indicates that the habitat of this kōwaro record is more closely aligned to mudfish habitat preferences, and it is not considered representative of the historic or present habitat types of the Cam River reach at the location of these Project wetlands (which is why it was not discussed in the evidence of Mr Lees). NZTA's Stream ecologist Mr Lees also notes that Dr Dunn (2026) incorrectly states that there will be direct effects at CR_W1_NPSFM. The Hydrogeological Assessment (Vol 3K of SAR) identifies no effects on either wetland catchment or extent during either construction or operation for CR_W1_NPSFM. Furthermore, potential effects of sedimentation during construction are considered a very low risk at this site as the work will be subject to implementation of erosion and sediment control measures. NZTA's stream ecologist considers the likelihood of kōwaro being present within either of the Cam River wetlands is sufficiently low that surveys to confirm their absence are not warranted. In the very unlikely event that kōwaro were found within

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			CR_W2_NPSFM, the protocol for discovery of 'At Risk' or 'Threatened' flora or fauna secured under condition EM.1 would apply. <u>Wetland FR_W4_NPSFM</u> There will be no permanent or temporary loss of wetland extent as a result of Project activities. Wetland catchment area is expected to reduce by 16% during construction and 11 % during operation. For clarity, this reduction in wetland surface catchment is not considered likely to result in a loss of wetland extent (and any potential kōwaro habitat). The Hydrogeological Assessment and the wetlands effects assessment (EcIA, Table 5.4 and Section 6.3.3.1.2) describe that the wetland is considered to be groundwater dependent and maintained through connection to shallow groundwater. It is considered unlikely that a short-term change in hydrology/surface catchment will be sufficient to alter the wetland to the extent that it is substantially different from the existing baseline condition. Once construction is complete, stormwater modelling indicates that the risk of substantially altered water inputs is low. The overall level of effect on FR_W4_NPSFM is low.

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			NZTA's stream ecologist considers that while potential kōwaro habitat is present, given wetland extent is not expected change, the potential for effects on kōwaro within this wetland (if they were present) is negligible. NZTA's stream ecologist therefore considers a survey for kōwaro is not necessary. <u>Waihora Creek Wetlands</u> There will be no permanent or temporary loss of wetland extent within wetlands WC_W2_NPSFM, WC_W3_NPSFM, or WC_W4 NPSFM as a result of Project activities. The Hydrogeological Assessment and the wetland effects assessment in the EclA note that these wetlands are fed by a combination of spring and surface water flows within Waihora Stream, interception of shallow groundwater, and overland flows from surrounding surface catchments. While there will be a loss of wetland surface catchment, the final water budget for these wetlands is not considered to be substantially changed on a permanent basis from the current situation, because stream flows will be maintained to these wetlands on a permanent basis and the stormwater design aims to achieve net hydrological catchment neutrality. While the surface catchments of these wetlands may be

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			permanently changed, the final water budget received at each of these wetlands is not anticipated to alter in a way that would affect wetland function and/or extent. NZTA's stream ecologist considers that while potential kōwaro habitat is present within these wetlands, given wetland extent is not expected change, the potential for effects on kōwaro (if they were present) is negligible. NZTA's stream ecologist therefore considers a survey for kōwaro is not necessary. For the reasons outlined above and in the evidence of Mr Lees, the wetland assessment in the EclA (Section 6.3.3.1.2), and the Hydrogeological Assessment, the NZTA stream ecologist does not consider further surveys for kōwaro are required, except in wetland WC_W6_NPSFM. Completing a further survey in WC_W6_NPSFM provides the greatest certainty that kōwaro are not present.
C1.31 Inclusion of new condition	<u>Within 20 Working Days of completion of the survey required by Condition 1.30, the Consent Holder shall provide a survey report to CRC and DOC. The survey report shall map the extent of any occupied mudfish habitat within the affected wetland habitats shown on Plan CRCxxxxxx.</u>	Refer to our comments above.	NZTA accepts the suggestion in part NZTA suggests reinstatement of a similar condition that was included in NZTA's response to comments (Attachment 8), dated 15 May 2025. The reinstated condition would relate only to

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	<u>Where Canterbury mudfish are not detected following completion of the survey in accordance with Condition 1.30, no further Canterbury mudfish-specific surveys or Canterbury mudfish-specific management measures are required and Schedule 4 does not apply. Where Canterbury mudfish are detected within the affected wetland habitats shown on Plan CRCxxxxxx, the conditions of Schedule 4 shall apply to Construction Works within this area.</u>		WC_W6_NPSFM only. The reasons for restricting the condition to WC_W6_NPSFM are explained above. NZTA has suggested amendments to Schedule 4 to reflect reinstatement of conditions similar to C1.30 and C1.31 (as were included in NZTA's response to comments (Attachment 8), dated 15 May 2025).
C2.5	(a) To prevent the spread of pest species, including but not limited to Didymo, the consent holder shall ensure that activities authorised by this consent are undertaken in accordance with the Biosecurity New Zealand's hygiene procedures and that machinery shall be free of plants and plant seeds prior to use in the quarry lakes (b) <u>Any rudd (<i>Scardinius erythrophthalmus</i>) recovered during activities authorised by this consent must be immediately euthanised on site in accordance with the Freshwater Fisheries Regulations 1983.</u>	Rudd (outside of the Auckland/Waikato Rudd Area) are included in Schedule 3 – Schedule of Noxious Fishes of the Freshwater Fisheries Regulations 1983. Regulation 65(1) states that no person shall have possession or under his control, or rear, raise, hatch, or consign any of those species (including subspecies, hybrids, and variations of those species). As it would otherwise be an offence, it shall be included in the conditions to exterminate rudd. It is included here additionally for clarity as rudd can be considered a sports fish in the Auckland/Waikato area.	NZTA accepts the suggestion in part NZTA accepts the suggestion to specifically address rudd but has suggested alternative structuring of the condition for clarity.
C2.7	Any temporary bridges and culverts within flowing water shall: (a) Not result in the stranding of fish;	The Department supports the removal of the phrase 'where practicable'.	NZTA accepts this suggestion

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	(b) Where in place for longer than 48 hours, shall provide fish passage <i>[proposed deletion of 'where practicable' by the Panel]</i> in accordance with the EMP		NZTA's comments on the draft decision accepted the deletion of 'where practicable' on the basis that the EMP provides sufficient flexibility.
C2.9	The Consent Holder shall appoint a SQP to design new permanent culverts in Watercourses. The culverts shall be designed and constructed to achieve, where practicable, the following outcomes: (a) Maintenance of the existing stream geometry (plan form and section) and natural geomorphology of the Watercourse; (b) Inclusion of scour protection where required; (c) Inclusion of a low flow channel to maintain water depth during low flows; (d) Creation of pool, riffle and run sequences; (e) Incorporation of instream woody habitat features; (f) Utilisation of existing natural materials such as rocks, woody debris from the existing Watercourse (where present); and (g) Incorporation of a planted flood plain terrace.	The Department supports the removal of 'where practicable' as proposed by the Panel and supports the inclusion of (d), (e), and (g) to better improve fish passage within the culverts to ensure adverse effects are being appropriately managed.	NZTA rejects this suggestion NZTA's comments on the draft decision rejected the deletion of 'where practicable' and insertion of clauses (d), (e) and (g) for the reasons explained in the evidence of David Delagarza (dated 3 July 2026).
C2.11	To comply with Regulation 43 of the Freshwater Fisheries Regulations 1983, the Consent Holder shall appoint a SQP to design the realignment of Waihora Stream, Taranaki Stream, and Taranaki Stream tributary. The realignments shall be designed and constructed to achieve the following outcomes: (aa) Permanent fish passage; (a) Channel and banks to have a natural form that considers the geomorphology and	To ensure that permanent fish passage is achieved as outlined in (aa), there must be sufficient post-works monitoring. Staging the monitoring within the time periods will allow for early capture if the realignments are not providing fish passage where needed, and will allow for seasonal variation monitoring. By the time that the	NZTA rejects the suggestion In NZTA's response to comments, dated 16 May 2026, (Attachment 2) NZTA sets out why monitoring is not required for stream realignments (refer response to comments 1.37, 1.43-1.46). In

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	geometry of the existing stream channel and is informed by the New Zealand Fish Passage Guidelines, second edition, June 2024; (b) Meanders shall be considered where this can be achieved without creating channel stability risks or requiring unreasonable ongoing intervention; (c) Dimensions (depth, width, and gradient pattern) shall be similar to the reclaimed Watercourse that it replaces to achieve similar velocities, depth profiles and wetted widths; (d) Maintenance of hydrological heterogeneity (pools, runs, riffles, etc) to a similar or better extent than the reclaimed Watercourse that it replaces. (e) Same or better mosaic of substrates as the reclaimed Watercourse that it replaces; (f) Constructed using natural materials and have planting of indigenous vegetation for a zone of at least 10 metres either side of the banks. Such planting shall: (i) Be of a suitable species composition; (ii) Include woody plants within 1m of the bank; and (iii) Be maintained until 80% indigenous canopy cover and a general absence of weeds is achieved; (g) Fenced to exclude stock; (h) Have large and medium woody debris (in slow run and pool habitats) at the time of construction of the realigned Watercourse; and	two year mark has occurred, there could have been significant adverse effects that have already occurred.	summary, this is considered unnecessary because: - The proposed stream realignments are short, low-gradient sections that will be designed by a SQP to achieve geomorphic, hydraulic and ecological outcomes, - The realignments occur within a catchment that has had large-scale and successful historical stream realignments. - There is a low risk that the short realignments will fail to achieve the design outcomes. NZTA also notes it's comments on the Panel's draft decision suggested removal of the requirement for 'permanent' fish passage, on the basis that stream realignments, in and of themselves, cannot guarantee permanent fish passage, as factors beyond the Consent Holder's control influence fish passage. Clauses (a), (c) and (d) are intended to maintain equivalent fish passage characteristics to the existing watercourses. Clause (k) as suggested by DOC could imply a requirement for ecological monitoring e.g. fish

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	(i) Have a range of medium and large cobble (in riffles and faster sections) at the time of construction of the realigned Watercourse. (j) Include scour protection where required. (k) <u>A SQP shall inspect all realignment channels to monitor instream and riparian habitat establishment and fish passage success. Inspections shall be carried out three months, one year, and two years following completion of construction. The Dispensation Holder shall provide inspection results to CRC annually by 30 June.</u> (l) <u>If, after the inspections at three months and year one, the SQP concludes that habitat establishment and fish passage is unlikely to be provided by the two-year inspection without intervention, the SQP shall recommend a range of methods and interventions to support the provision instream and riparian habitat and fish passage. The Consent Holder shall implement the recommended methods and interventions, to the extent practicable.</u>		surveys rather than simply checking whether the realigned channel has been built to the approved design and is functioning as intended. NZTA's ecologists do not consider monitoring of stream realignments is necessary, and would not be proportionate in the circumstances. If the panel considers it necessary to impose a condition requiring post-construction verification, NZTA suggests the following new clause requiring a SQP to inspect stream realignments within 1 year of construction: (a) Within 1 year following completion of stream realignments, a SQP shall inspect the stream realignment to determine whether it has been constructed and is functioning generally in accordance with the design outcomes in Condition 2.11. If the SQP determines that remedial works are required, the Consent Holder shall implement the remedial works recommended by the SQP. (b) Written confirmation must be provided to CRC and DOC of the SQP's inspection and findings under clause (a).

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
Comments on draft conditions of Schedules to the resource consents and Definitions and Terms used in resource consents			
Definitions, Material Change	Material Change means any change to the design, construction methods, or management of effects described in a Management Plan listed in Table 1 or Schedule 4 that would result in a material increase in adverse effects, introduce new adverse effects, or reduce the ability to comply with the consent conditions.	The Department disagrees with the proposed defined term for 'material change'. The term is self-defining as it uses material increase to define material change. There is no current way in the conditions for Canterbury Regional Council, as the regulator of the consent, to oppose a change to a management plan that the applicant considers is not a material change and therefore would allow the applicant to one-sidedly change the management of the consent without a review by Council. Canterbury mudfish are a Nationally-Critical species that requires specialist knowledge to adequately manage the population and ensure that there are no adverse effects on the species as a whole. Any amendment to the Canterbury Mudfish schedule could result in an increase of adverse effects and there is no potential for the Department to provide comment on the changes.	NZTA rejects the suggested amendment. The definition of 'material change' assists with understanding the scope of non-material changes. It is important that non-material changes can be made without an administratively cumbersome process. The CRC, as regulator, will be aware of all non-material changes made to management plans, because condition MP.4 requires updated management plans to be provided to CRC within 5 days of their updating. If CRC considers any change to be material (so that it requires certification), then it could advise NZTA that certification is required. If NZTA fails to obtain certification for material changes, it will not be authorised to carry out those works, and CRC could take enforcement action.
Sch 1, GC.4	No changes recommended	The Department supports the ability of Canterbury Regional Council to require the applicant to update its practices to the best practical option.	NZTA rejects the suggestion NZTA's comments on the draft decision rejected the Panel's inserted reference to the best

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
			practicable option (BPO). Any review of consent conditions should relate to actual adverse effects arising from exercise of the consent. In addition, section 128 of the RMA only allows the BPO to trigger reviews of discharge and coastal permits.
Sch 2, MP.3	No changes recommended	The Department supports the removal of the deemed certification clause.	NZTA accepts the suggestion NZTA's comments on the draft decision accepted deletion of the deemed certification clause.
Sch 2, MP.4	Any certified Management Plan may be amended, if necessary, to reflect any changes in design, construction methods or management of effects: (a) Any <u>amendments to a certified Management Plan</u> Material Changes shall be provided to Whitiara for comment prior to submission to CRC for certification. The Consent Holder shall have regard to any comments received from Whitiara prior to submission for certification. (b) Any <u>amendments to a certified Management Plan</u> Material Changes must be submitted to CRC for certification as soon as practical following identification of the need for the amendment and any works associated with the amendment must not commence until recertification has occurred in accordance with condition MP.3 (c) except for Material Changes, Any certified management plans may be amended <u>or</u>	The Department disagrees with the inclusion of material change as a definition as described above. In the alternative, understanding that there are potential reasons for the applicant to make minor changes, the Department recommends that the administrative changes are defined instead of material change, and that Canterbury Regional Council (CRC) has the opportunity to object to a change being defined as an administrative change. Management plans can only be certified by CRC and should not be delegated to the applicant, so any amendments to management plans should ultimately be reviewed and where necessary	NZTA rejects the suggested amendments. NZTA is not seeking a delegation to certify management plans, or to amend them at its whim. As noted above, the definition of 'material change' and requirement to provide updated plans to CRC will ensure that CRC has the information required to carry out its enforcement role. The changes suggested by DOC are therefore unnecessary.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	updated <u>to reflect a minor administrative change</u> without the need for certification <u>where:-</u> (i) <u>The amendment/s have no, or a de minimis, adverse effect on the environment; and</u> (ii) <u>The amendment is an administrative change.</u> (d) <u>Any management plan amended under MP.4(c) must be provided to CRC within 10 working days of the change. If Council determines that the amendments do not comply with (c)(i) or (c)(ii) above, then the amendments are to be submitted for certification under MP.3.</u> (e) Updated management plans shall must be provided to CRC and Whitiara for information within 5 working days of their updating.	certified by CRC, and not at the whim of the consent holder.	
Sch 2, MP.7	The purpose of the EMP is to address the management of <u>adverse</u> effects on ecology for the activities authorised under resource consents C1 – C3 <u>to ensure there is no net-loss of indigenous biodiversity values within the project site</u>. The scope of the EMP is limited to: (a) Indigenous biodiversity in and within 10 metres of Watercourses, Wetlands and the Quarry Lakes; (b) Fish management in Watercourses and the Quarry Lakes; and	The Department requests that there is a reference to no net-loss of indigenous biodiversity in the purpose of the EMP. No net-loss is important to ensure that (a) and (b) are appropriately implemented but that the residual effects management in (c) can adapt to undertake additional offsetting and compensation if no net-loss has not been achieved in accordance with the National Policy Statement for Indigenous	NZTA rejects the suggested amendments for the following reasons: • The EMP manages positive effects (e.g. offsetting) as well as adverse effects; • The scope of the EMP is restricted to the locations and topics identified in clauses (a) – (c); it does not apply across “the project site”; The requirement for no-net loss is already (and more precisely) imposed by condition EM.2 in

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	(c) Residual effects management for the matters addressed in Schedule 3.	Biodiversity and the National Policy Statement for Freshwater Management.	Schedule 3 (which is cross-referenced in clause (c)).
Sch 2, MP.8	The EMP must include: <i>General</i> (a) Identification of key ecology personnel, including their roles and responsibilities, specialist expertise, and relevant experience; (b) Site staff induction procedures in respect of ecology; (c) Any feedback provided by Whitiara on draft versions of the EMP; (d) A protocol for provision of a summary of outcomes to Whitiara, on a six-monthly basis, from monitoring required under this management plan; (e) A protocol for consultation with Whitiara in respect of any concerns or issues in relation to effects on the environment during construction, and in particular observed effects on water quality and the health and wellbeing of waterbodies. <u>(ea)Environmental reporting to the CRC and Whitiara;</u> <u>(eb)Environmental auditing and compliance monitoring;</u> <u>(ec)Review processes, including a protocol for amending the EMP as a result of any complaints or issues arising during construction.</u> <i>Indigenous biodiversity (within 10 metres and in Watercourses and Wetlands)</i>	Reporting requirements are necessary to ensure that the EMP is being correctly implemented to give effect to the purpose as set out in MP.7. Without reporting, CRC cannot be certain that the Consent Holder is abiding by the EMP.	NZTA rejects the suggested amendments NZTA rejects the suggested new clauses (ea), (eb) and (ec) because: • MP.6 of the draft decision requires the CEMP to set environmental reporting, auditing and compliance monitoring, and review processes. • NZTA considers the CEMP, as the overarching framework for managing construction activities and associated effects, is the appropriate location for these matters, and repetition within the EMP is not necessary. NZTA rejects the suggested new clause (i)(i) because: • The effects management measures already included in condition MP.8(i)) are appropriate to minimise the risk of damaging or disturbing an occupied native bird nest to acceptable levels. NZTA's ecologists do not consider avoiding works between 1 September

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	(f) Approaches to the management of indigenous vegetation clearance and planting through: i. Protocols that include demarcation, timing of vegetation clearance and planting; and supervision requirements; ii. A planting guide that sets out: 1. The source of plants from the rohe or relevant ecological districts, including a propagation guide; 2. Plant specifications; 3. Species mix; 4. Nursery requirements; 5. Methods, locations, plant numbers, spacing, density and timing of planting; 6. Approaches to livestock exclusion. (g) Pest plant and animal management, (h) Planting monitoring and maintenance approach and timelines. (i) Approaches to the management of potential effects on indigenous birds, including: i. <u>The avoidance of undertaking vegetation clearance works during peak bird breeding season (September 1 to January 31 inclusive)</u> ii. The procedures for pre-construction avifauna surveys; iii. Constraints on vegetation clearance; iv. Deterrents; v. Exclusion zones; vi. Supervision; and vii. Responses to accidental harm.	The Department maintains the position that vegetation clearance should be avoided during bird breeding season to ensure that birds are appropriately managed during the vegetation clearance. As the original purpose of the EMP is to 'manage effects on ecology', there is no requirement for the Consent Holder to undertake the effects management hierarchy in an appropriate order. An example is that stating that there will be deterrents does not provide confidence that the deterrents will be effective or used appropriately.	and 31 January, inclusive, is necessary or appropriate; - Should vegetation clearance be required in peak bird breeding season (1 September-31 January, inclusive), an experienced ecologist will search all vegetation for native bird nests no more than 48 hours prior to vegetation clearance. Where active bird nests are identified, individual trees and immediate surrounding vegetation within a 10 m buffer are to be left in situ, clearly marked and cordoned off until nesting birds have fledged or nests naturally abandoned, as verified by the Project Ecologist. - From a project management perspective, prohibiting works between 1 September and 31 January would effectively prevent construction of the Project, as this is main construction season, and generally allows construction to occur when water tables are lower, there is less rainfall runoff, and increased daylight hours (which assists with health and safety management)

	<i>Fish management</i> (j) Fish recovery protocols to provide procedures for the salvage and relocation of fish shall include the: i. Location where fish and aquatic organisms shall be salvaged and released; ii. Methods to prevent fish entering the works area once defishing occurs iii. Methods used to hold fish following capture and prior to release iv. Measures to prevent fish impingement and / or entrainment during stream works. v. Roles and responsibilities for the ecologist/s, contractors and other people on site vi. Measures to avoid or minimise times when migratory fish species or fish are migrating or spawning vii. Deterrent, removal, recovery, relocation, and reporting methods prior to and post the commencement of construction activities; viii. Measures to manage pest fish species and exotic fish. ix. <u>Fish salvage data must be reported to CRC and must include but not be limited to:</u> 1. <u>fishing effort and catch rate changes,</u> 2. <u>species,</u> 3. <u>numbers,</u> 4. <u>release site information, and</u> 5. <u>mortalities.</u> (k) Site-specific guidance of fish migration and spawning times; (l) Approaches to on-line stream works that, where such works cannot be avoided: i. Provide temporary fish passage where practicable; or where temporary fish	The Department considers that to ensure that the fish salvage is undertaken correctly the Consent Holder shall be required to provide the data that the EMP provisions are being followed.	These reasons were provided in NZTA's response to comments from DOC (comment IDs 1.56 and 1.59, Attachment 2). NZTA rejects the suggested new clause (j)(ix) because clause (j)(vii) already requires reporting.
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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	passage is not practicable, provide fish salvage and relocation; and ii. Manage the timing of works in respect of site conditions and to avoid peak fish migration and spawning seasons. (m) Requirements for ecological oversight of the South Remnant Lake infilling and wetland offset construction <i>Residual effects management</i> (m) State the offset and compensation measures, and relevant calculations, required to comply with the conditions EM.2-EM.4 in Schedule 3 of these resource consents. (n) Set out the principles, methodologies, processes, targets, monitoring and reporting that will be used to achieve the offset and/or compensation measures. (o) Set out details regarding the South Remnant Lake offset area, including at least the following: i. <u>Eradication of coarse fishes from the lake and public exclusion fencing to prevent human reintroduction of coarse fishes</u> ii. Infilling of the South Remnant Lake to a suitable depth for wetland planting success; iii. Retaining approximately 30% of the lake remnant open water; iv. Manipulating the infill material to create a range of water depths that will allow a variety of wetland habitat types to be established;	The Department supports the additional requirements for the residual effects of the Southern Quarry Lake remanent offset. It recommends an additional condition to require the eradication of coarse fish from the lake, as the applicant has already stated that it is their intention to do so, and is required for the lake to be a sufficient offset	NZTA rejects the suggested addition regarding coarse fish. These matters are already addressed by condition MP.8(j)(viii). Human reintroduction of coarse fish would be illegal, and the conditions should not make NZTA responsible for the illegal actions of others.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	v. Water depths ranging from approximately 0.1 to 1.0 m; vi. Undertaking wetland restoration planting with a range of species suited to establishment on constructed wetland substrate; vii. Creating 4 to 6 different habitat types across the wetland planting area; viii. Adding topsoil, if required, in parts of the proposed wetland to improve planting success within the target habitat type; ix. Subject to final site layout and planning, establishing the following indicative dominant plants and habitat types: 1. Raupō (<i>Typha orientalis</i>) reedland; 2. Harakeke and tī kōuka flaxland; 3. Kāpūngāwhā (<i>Schoenoplectus tabernaemontani</i>) sedgeland; 4. <i>Juncus pallidus</i> rushland; and 5. <i>Carex virgata</i> / <i>Carex secta</i> sedgeland. (p) Requiring wetland habitat planting maintenance for 15 years. (q) Set out details regarding the McIntosh Drain offset, including at least the following: i. Inclusion of a low flow channel to maintain sufficient water depth for biota; ii. Creation of pool, riffle and run sequences (where the bed grade is sufficient); iii. Providing instream habitat features, such as wood and large rocks; iv. Providing native plants that overhang the waterway to provide shade and habitat;		

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	v. A floodplain terrace planted with native species; (r) Details and locations of the lizard habitat enhancement offset.		
Sch 3, EM.3	(a) Except where modified by Condition EM.4, offset and compensation measures shall be carried out in accordance with the Ecology Offset Plan (Volume 4E of the Application) attached to and forming part of this resource consent. (b) The offsetting areas must include at least 2.6 ha of wetland area in the Southern Remnant Lake, 0.19 ha of stream bed and 2.5 ha of associated riparian planting along McIntosh Drain, and 6 ha of lizard habitat <u>restoration and enhancement undertaken</u> throughout the Project site area.	The Department supports the inclusion of (b) as it considers it is necessary to offset the residual adverse effects on wetland loss and lizard habitat loss. Included restoration and enhancement for clarity as it is existing lizard habitat.	NZTA rejects the amendments sought As set out in NZTA's comments on the draft decision, NZTA has sought clause (b) be deleted as it imposes a minimum requirement for offset and compensation areas that equates to the total areas available for these measures, and does not allow for the possibility of recalculation reducing the offset and compensation measures required to achieve no net loss. The amendments sought by DOC should be deleted on the same basis. Please refer to the joint Ecology SOE (dated 3 July 2026) provided with NZTA's comments on the draft decision for further discussion around the recalculation approach proposed for the Project.
Sch 3, EM.4	(a) Prior to the submission of the EMP to CRC for certification, the offset and compensation measures specified in the Ecology Offset Plan must be recalculated. (b) The recalculation shall include a re-evaluation of the baseline assumptions of the recipient sites relative to the calculations, to reflect any revision to:	The Department disagrees that WC_W6_NPSFM is the only wetland that is potential Canterbury Mudfish habitat. Please see Appendix 1 for Dr. Dunn's memorandum on the potential 6 other	NZTA accepts suggestion in part NZTA suggests reinstatement of a similar condition (EM.4(b)(ii)) that was included in NZTA's response to comments (Attachment 8) that specifically refers to WC_W6_NPSFM. For the

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	i. The area of habitats to be removed as a result of the final design and the Construction Works to be carried out under these resource consents, ii. <u>Wetland values, if the Canterbury mudfish survey required by CRC263282 Condition C1.30 confirms the presence of Canterbury Mudfish in the surveyed mudfish habitats.</u> (c) Where the recalculation results in offset and compensation measures that differ to those in the Ecology Offset Plan, the revised measures: i. Supersede the measures in the Ecology Offset Plan; and ii. Must be included in the EMP to be certified, along with an explanation of the revisions made and confirmation that Condition EM.2 is complied with. <i>Advice Note: This condition does not require the effects on Canterbury mudfish to be included in any recalculation (only a uplift in wetland values if mudfish are confirmed as present). The effects on Canterbury mudfish are addressed by the conditions in Schedule 4.</i>	wetlands that should be surveyed for Canterbury Mudfish. It recommends the re-inclusion of EM.4(b)(ii) to ensure that all potential mudfish habitat is properly surveyed.	reasons stated in response to DOC's comments on C1.30 above, reference to other surveyed mudfish habitats is not necessary.
Sch 4, CM.2	The purpose of the CMMP is to: (a) minimise to the extent practicable avoid the injury and mortality of Canterbury mudfish during Construction Works (b) establish or enhance a relocation recipient site or sites for Canterbury mudfish, (c) provide for the salvage and relocation of Canterbury mudfish, and (d) provide for further compensation if appropriate.	Minimise to the extent practicable is not appropriate for a Nationally-Critical species. The applicant should avoid injuries and mortalities by undertaking a suitable survey of all the potential wetland habitats before the works are undertaken. If any Canterbury mudfish are harmed in the	NZTA accepts the suggested amendment in part NZTA accepts the intent of avoiding injury and mortality of Canterbury mudfish to the extent practicable. However, NZTA does not support the

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
		process of construction works, compensation is required. There is an intention to avoid adverse effects on Canterbury mudfish as stated in CM.5(b) and thus it should be followed through into the purpose of the condition.	use of 'avoid' as an absolute requirement in this condition. The CMMP would only be implemented if Canterbury mudfish are present in WC_W6_NPSFM and salvage and relocation is required. In that context, total avoidance of injury or mortality cannot be guaranteed. NZTA's stream ecologist considers retention of 'minimise to the extent practicable' recognises the practical realities of mudfish salvage and relocation. NZTA has therefore suggested wording that incorporates both avoidance and minimisation to the extent practicable.
Sch 4, CM.3	The CMMP shall be prepared by a SQP with specific expertise in mudfish <u>in consultation with the Department of Conservation.</u>	As mentioned in the Department's section 53 comments, it considers that due to the limited information and understanding of Canterbury mudfish, it should be consulted throughout the process of creating the Canterbury mudfish plan to ensure that the adverse effects on Canterbury mudfish are avoided.	NZTA rejects the suggested amendment because condition CM.6 already requires the draft CMMP to be provided to DOC for review and comment.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
Sch 4, CM.5	The CMMP shall include: (a) <u>the results of the Canterbury mudfish survey required by Condition 3.10;</u> (b) the location and extent of occupied Canterbury mudfish habitat within Potential Mudfish <u>Habitats, CR_W1_NPSFM, CR_W2_NPSFM, FR_W4_NPSFM, WC_W2_NPSFM, WC_W3_NPSFM, WC_W4_NPSFM; and WC_W6_NPSFM</u>, to which the CMMP applies; (c) measures to avoid or minimise effects on Canterbury mudfish; (d) salvage and handling methods; (e) relocation methods, including timing, fish capture, temporary holding, transport and release procedures; (f) the location of proposed recipient site or sites, including confirmation by a suitably qualified and experienced freshwater ecologist that the site could potentially support Canterbury mudfish; (g) any habitat restoration, enhancement, preparation, or fencing required at the recipient site or sites prior to relocation; (h) post-relocation monitoring methods for a period of two years following relocation, with the purpose of assessing whether Canterbury mudfish establishment at the recipient site has been demonstrated; (i) performance measures for determining whether Canterbury mudfish establishment at the recipient site has been demonstrated;	The Department requests the reinsertion of the requirements of the results of the Canterbury mudfish survey required by condition 3.10 due to its position that additional wetlands could be adequate mudfish habitat. It supports the removal of "where practicable" for now (c).	NZTA accepts suggestion in part NZTA suggests reinstatement of a similar condition that was included in NZTA's response to comments (Attachment 8) that specifically refers to WC_W6_NPSFM. For the reasons stated in response to DOC's comments on C1.30 above, reference to additional wetlands is not necessary.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	(j) reporting requirements to CRC and DOC, including reporting of capture and relocation data, habitat restoration or enhancement works, monitoring results and the outcome of the two-year monitoring period; and (k) further Canterbury mudfish compensation measures to be implemented if: (i) A suitable site for Canterbury mudfish relocation cannot be identified, or (ii) Canterbury mudfish establishment at the recipient site has not been demonstrated after two years of post-relocation monitoring; (l) The compensation measures must directly relate to Canterbury mudfish and may include research, recovery, survey, monitoring or habitat restoration.		
CM.6	(a) At least 20 Working Days before submitting the CMMP to CRC in accordance with Condition CM.7, the CMMP shall be provided to DOC for review and comment. The Consent Holder shall consider any written feedback received from DOC prior to providing the CMMP to CRC. (b) <u>The Consent Holder must take into account all comments and suggested amendments and additions to each plan received from the Department of Conservation.</u>	If the Panel does not accept that the Department should be consulted throughout the creation of the Canterbury mudfish management plan, it requests that the Panel impose a similar condition to the HDC and WRC¹ conditions for the Fast-track Waihi North decision². It would require the applicant to provide further information to Canterbury Regional Council as to why it has not incorporated the Department's advice.	NZTA rejects the suggested amendments in part. The current wording of CM.6 is sufficient for to allow for DOC to review the CMMP and provide comments. NZTA accepts an amendment requiring the certified CMMP to be provided to DOC for its

¹ Hauraki District Council (HDC) Waikato Regional Council (WRC)

² <https://www.fasttrack.govt.nz/projects/waihi-north/the-decision>

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	(c) <u>The Consent Holder must prepare a document (or documents) outlining what if any amendments or additions have been made to the CMMP in response to comments and suggestions made by the Department of Conservation and provide that document to the Canterbury Regional Council contemporaneously with the CMMP when it is submitted for certification or recertification under Condition MP.3 and MP.4.</u> (d) <u>The document required under Condition CM.6(c) must include an explanation of where any comment or suggestion made by the Department of Conservation has not been incorporated into the plan and the reasons why.</u> (e) <u>A copy of the CMMP that is submitted for certification must be provided to the Department of Conservation for their information, together with the document required under Condition CM.6(c).</u>		information, although has suggested this sits better on CM.8
CM.10	Material Changes to the certified CMMP must proceed through the steps in Conditions CM.6 and CM.7.	Delete condition CM.10. Conditions MP.3 and MP.4 are sufficient to manage certification of the CMMP alongside with the amendments to CM.6. The certification process here is otherwise different, as it does not allow CRC to reject the certification process as explicitly in MP.3 and	NZTA rejects the suggested deletion. As noted above, NZTA considers the material change processes to be a proportionate and efficient management mechanism.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
		MP.4. All management plans should be certified under MP.3 and MP.4 for clarity.	
CM.11	Except for Material Changes, the CMMP may be amended without the need for certification and shall be provided to CRC and DOC for information.	Delete condition CM.11. Conditions MP.3 and MP.4 are sufficient to manage certification of the CMMP alongside with the amendments to CM.6. The certification process here is otherwise different, as it does not allow CRC to reject the certification process as explicitly in MP.3 and MP.4. All management plans should be certified under MP.3 and MP.4 for clarity.	NZTA rejects the suggested deletion. As noted above, NZTA considers the non-material change processes to be a proportionate and efficient management mechanism.
Inclusion of new condition	<u>The Consent Holder shall appoint a suitably qualified and experienced person to design new permanent culverts in Watercourses. The culverts shall be designed and constructed to achieve the following outcomes:</u> (a) <u>Maintenance of the existing stream geometry (plan form and section) and natural geomorphology of the Watercourse;</u> (b) <u>Inclusion of scour protection where required;</u> (c) <u>Inclusion of a low flow channel to maintain water depth during low flows;</u> (d) <u>Creation of pool, riffle and run sequences;</u> (e) <u>Incorporation of instream woody habitat features;</u> (f) <u>Utilisation of existing natural materials such as rocks, woody debris from the existing Watercourse (where present); and</u> (g) <u>Incorporation of a planted flood plain terrace.</u>	The Department notes that the Panel has not issued a set of conditions for the Complex Freshwater Fisheries Approval (CFFA) and instead has incorporated the specific CFFA conditions into the Canterbury Regional Council resource consent conditions. The Department has the responsibility under the Freshwater Fisheries Regulations (FFR) for the enforcement of any approvals granted underneath the FFR. It cannot enforce action against a Consent Holder for breaches of the FFR if there are no conditions to the approval that the Department has granted. While it is unfortunate that it would 'double up' the requirements of the applicant, there would be flow on effects to the	NZTA rejects the suggestion NZTA agrees with the Panel that conditions are not necessary on the CFFA as fish passage is secured through the resource consent conditions. Please see NZTA response to DOC's comment on condition C2.9 above.

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Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
		CFFA that are not authorised by the Department if the Canterbury Regional Council amends the conditions that pertain to the CFFA. A similar situation occurred in the Fast-track Waihi North draft decision. In the draft decision, it was proposed that cross-referencing resource consent conditions would 'flow through' to the Department's approvals. The Panel reversed the draft decision conditions to reinstate the appropriate conditions in the Department's approvals.³ Since there are no conditions in the CFFA, it effectively creates the same issue as there would be no required amendments to the CFFA. As currently drafted, the Department would only be able to inform Canterbury Regional Council of its concerns regarding compliance with the FFR rather than be able to take enforcement action itself. The Department requests that the CFFA include conditions, replicating the requirements in the Canterbury Regional Council consents. The same applicant also argued in the Takitimu North Fast-track application for no conditions to be included in	

³ Record of Decisions of the Waihi North Expert Panel under Section 87 of the Fast-track Approvals Act 2024 (18 December 2025) at part N, paragraph [36](b).

NZTA response to Department of Conservation comments on the Panel's draft conditions in relation to State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)

Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)												
		the CFFA, but the Panel ultimately included conditions in the CFFA in the final decision.⁴ This condition replicates Condition C2.9 in the Canterbury Regional Council resource consents. As above, replicating Condition C2.10 in the Canterbury Regional Council resource consents.													
Inclusion of new condition	(a) <u>Permanent fish passage shall be provided through the following new permanent culverts, when each culvert is lived, informed by the New Zealand Fish Passage Guidelines, second edition, June 2024.</u> <table><tr><td><u>Stream</u></td><td><u>Culvert location</u></td></tr><tr><td><u>McIntosh Drain</u></td><td><u>South of Fullers Road</u></td></tr><tr><td><u>Waihora Stream</u></td><td><u>State Highway 1</u></td></tr><tr><td><u>Taranaki Stream</u></td><td><u>Bob Robertson Drive</u></td></tr><tr><td><u>Taranaki Stream</u></td><td><u>Pegasus Interchange</u></td></tr><tr><td><u>Wilsons Drain</u></td><td><u>South of Cam River/Ruataniwha</u></td></tr></table> (b) <u>Within 20 Working Days of the installation of a new permanent culvert:</u> (i) <u>Written confirmation must be provided to CRC and DOC that each structure has been constructed in accordance with clause (a), and</u> (ii) <u>The information required by Regulations 62, 63, and 69 of the NES-F must be provided to DOC.</u>	<u>Stream</u>	<u>Culvert location</u>	<u>McIntosh Drain</u>	<u>South of Fullers Road</u>	<u>Waihora Stream</u>	<u>State Highway 1</u>	<u>Taranaki Stream</u>	<u>Bob Robertson Drive</u>	<u>Taranaki Stream</u>	<u>Pegasus Interchange</u>	<u>Wilsons Drain</u>	<u>South of Cam River/Ruataniwha</u>		NZTA rejects the suggestion NZTA agrees with the Panel that conditions are not necessary on the CFFA as fish passage is secured through the resource consent conditions.
<u>Stream</u>	<u>Culvert location</u>														
<u>McIntosh Drain</u>	<u>South of Fullers Road</u>														
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<u>Taranaki Stream</u>	<u>Pegasus Interchange</u>														
<u>Wilsons Drain</u>	<u>South of Cam River/Ruataniwha</u>														

⁴ Record of Decisions of the Takitimu North Link Stage 2 Expert Panel under Section 87 of the Fast-track Approvals Act 2024 (20 April 2025), page 21, paragraph 69.

NZTA response to Department of Conservation comments on the Panel's draft conditions in relation to State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)

Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	(c) <u>Within 1 year of the installation of a new permanent culvert:</u> (i) <u>An SQP shall inspect all culverts to determine whether an appropriate in-pipe substrate has been retained, and fish passage is provided, and in the event that if such substrate has not been retained or fish passage has not been provided, the Consent Holder shall make other modifications to the culvert recommended by the SQP:</u> (ii) <u>Written confirmation must be provided to DOC of the SQP's inspection and findings under clause (c)(i).</u>		
Inclusion of new condition	<u>The Dispensation Holder shall appoint a SQP to design the realignment of Waihora Stream, Taranaki Stream, and Taranaki Stream tributary. The realignments shall be designed and constructed to achieve the following outcomes:</u> (a) <u>Permanent fish passage;</u> (b) <u>Channel and banks to have a natural form that considers the geomorphology and geometry of the existing stream channel and is informed by the New Zealand Fish Passage Guidelines, second edition, June 2024;</u> (c) <u>Meanders shall be considered where this can be achieved without creating channel stability</u>	As above, replicating Condition C2.11 in the Canterbury Regional Council resource consents.	NZTA rejects the suggestion NZTA agrees with the Panel that conditions are not necessary on the CFFA as fish passage is secured through the resource consent conditions. Please see NZTA response to DOC's comment on condition C2.11 above.

NZTA response to Department of Conservation comments on the Panel's draft conditions in relation to State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)

Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	<u>risks or requiring unreasonable ongoing intervention;</u> (d) <u>Dimensions (depth, width, and gradient pattern) shall be similar to the reclaimed Watercourse that it replaces to achieve similar velocities, depth profiles and wetted widths;</u> (e) <u>Maintenance of hydrological heterogeneity (pools, runs, riffles, etc) to a similar or better extent than the reclaimed Watercourse that it replaces.</u> (f) <u>Same or better mosaic of substrates as the reclaimed Watercourse that it replaces;</u> (g) <u>Constructed using natural materials and have planting of indigenous vegetation for a zone of at least 10 metres either side of the banks. Such planting shall:</u> (iv) <u>Be of a suitable species composition;</u> (v) <u>Include woody plants within 1m of the bank; and</u> (vi) <u>Be maintained until 80% indigenous canopy cover and a general absence of weeds is achieved;</u> (h) <u>Fenced to exclude stock;</u> (i) <u>Have large and medium woody debris (in slow run and pool habitats) at the time of construction of the realigned Watercourse; and</u> (j) <u>Have a range of medium and large cobble (in riffles and faster sections) at the time of construction of the realigned Watercourse.</u> (k) <u>Include scour protection where required.</u> (l) <u>A SQEP shall inspect all realignment channels to monitor instream and riparian habitat establishment and fish passage success. Inspections shall be carried out</u>		

NZTA response to Department of Conservation comments on the Panel's draft conditions in relation to State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus)

Condition number	Extracts or track changes condition	DOC's comments and reasoning	NZTA response (accepted or rejected, with reasons)
	<u>three months, one year, and two years following completion of construction. The Dispensation Holder shall provide inspection results to DOC annually by 30 June.</u> (m) <u>If, after the inspections at three months and year one, the SQEP concludes that habitat establishment and fish passage is unlikely to be provided by the two-year inspection without intervention, the SQEP shall recommend a range of methods and interventions to support the provision instream and riparian habitat and fish passage. The Dispensation Holder shall implement the recommended methods and interventions, to the extent practicable.</u>		