

Appendix 2: s53(2)(a) Fast Track Approvals Act 2024, Technical Advice - Compliance

Date	15 September 2025
To	Joanne Mitten, Principal Consents Planner, Environment Canterbury
From	Georgia Simmonds, Resource Management Technical Lead, Compliance, Environment Canterbury
Project advice provided for	NZTA – Woodend Bypass Project
Documents referred to	NZTA - Woodend Bypass Project draft and substantive application documents including: 2D – Proposed resource consent conditions 3A - Construction Methodology Statement 3F- Contaminated Land Investigation
Qualifications	I hold a Master of Environmental Management from Massey University received with distinction. I have 5 years of regulatory experience working in Regional, District, and Central government. I am the technical lead for the disturbance portfolio for compliance which concerns all land disturbing activities including development and construction.
Code of Conduct	I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This technical report has been prepared in accordance with that Code. In particular, unless I state otherwise, the opinions I express are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

Executive summary/overview

1. The documents that I have looked over have some information but i cannot make a complete assessment as there are some documents that are not yet supplied. I would like to see at least draft versions of the Erosion and Sediment Control Management Plan, Construction Environmental and Social Management Plan, Ecological Management Plan, Construction Air Quality Management Plan, Groundwater Management Plan and Contaminated Sites Management Plan. The current proposed consent conditions will need further discussion and revisions if the plans above can be provided. I have not provided a thorough assessment of the proposed conditions due to the additional information I would need to assess first.

Agreement with the Applicant

2. N/A

Benefits of the project

3. There are no benefits from a compliance perspective.

Outstanding areas of contention and significance of these

Discussions with Applicant

4. N/A

Outstanding areas of contention

5. The documents referred to in Table 1 of Schedule 2 in Volume 2D, are proposed to be submitted at least 20 working days prior to commencement of works but this is far too short of a timeframe for compliance to certify this volume of documents without at least having a “for consent” version already filed and considered. The effects on the environment cannot be properly assessed without these management plans as they would ideally show how this project will be undertaken.

Significance of these matters

6. An assessment of the potential effects on surface water arising from onsite discharges, ecology, or earthworks/vegetation clearance cannot be completed adequately in my opinion. There are no erosion or sediment control plans provided by which I can make an assessment on the appropriateness of the controls and their mitigation of risk.

Solutions and/or Conditions sought

7. Supply the missing Management Plans.
 - a. And increase timeframe for the management plans be reviewed and certified by CRC compliance team. 30 working days is not sufficient time to review and certify 6 management plans, many of which will require input from other teams within ECan where the compliance team does not have the appropriate expertise to assess the plan.
 - b. There should be ideally 50 working days for review of the management plans to allow for consideration of normal BAU workload, and seeking comment from relevant teams such as contaminated land, ecology, and groundwater science.
8. Change MP.4 wording to reflect more standardised wording of ECan consents for amendments of documents.
9. MP.3 - I have significant concerns with the wording of this condition. Particularly where it states that “However, if the applicable Management Plan has been submitted to CRC for certification, and 30 Working Days has passed, and CRC has not certified the applicable Management Plan or advised that the Management Plan is not suitable to certify, the Management Plan will be deemed to have been certified and the Consent Holder may commence Construction Works in accordance with the applicable Management Plan as submitted.”

MP.3	The Consent Holder shall not commence any Construction Works within an area to which Management Plan condition(s) apply until the required Management Plan, or an amendment in accordance with condition MP.4(c), has been certified. However, if the applicable Management Plan has been submitted to CRC for certification, and 30 Working Days has passed, and CRC has not certified the applicable Management Plan or advised that the Management Plan is not suitable to certify, the Management Plan will be deemed to have been certified and the Consent Holder may commence Construction Works in accordance with the applicable Management Plan as submitted.
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This condition wording seems to allow works to commence even when the plan is not certified. Given the significant nature of the works, I do not feel it is appropriate to have a clause that allows work to commence without certified management plans.

10. Current wording of MP.10 is confusing and appears there may be formatting missing? Specifically, from clause (c) onwards.
 - a. Additionally, there is no mention of discharge points for sediment control measures needing to be identified. Discharge points and monitoring requirements must be outlined within the appropriate management plan.
11. It would make more sense for there to be one "Environmental Management Plan" that combines the requirements of the CEMP, GMP, ESCMP and Ecological Management Plan. Some items such as dewatering management procedures (MP.11 (k)) should be discussed with ESC measures as these will be directly affected.
12. Currently the consent conditions proposed do not work together with each other and exclude other relevant conditions through specific references. E.g. C1.4 which says "*All Construction Works shall be carried out in accordance with the ESCMP prepared and certified in accordance with conditions MP.1-MP.5 and MP.10 in Schedule 2 of this resource consent.*" Condition MP.6 is specifically around the CEMP and what it must contain. Works should be carried out in accordance with all the management plans prepared. By having repeated conditions that specify which management plans works should be carried out in accordance with there is a significant amount of double up of conditions where one condition that states that "All Construction Works shall be carried out in accordance with the Management Plans listed in Table 1 of Schedule 2 prepared and certified in accordance with the conditions MP.1 to MP.12" would cover this all and remove the need to repeat the condition.

Table 2: Solutions

Issue	Solution	Condition wording	Consideration against FTAA
Condition C1.14 wording. Advice note should be condition note advice note as these are not enforceable.	Change advice note to condition.		
C1.16 Condition refers to a Groundwater management plan not referred to before now.	Reference consent condition that required the GMP – MP19-21		
C2.11 Condition does not allow for compliance to be assessed with the clause c requirement	Add a clause stating that the SQP will prepare and submit a confirmation to CRC that the inspection has been completed. If substrate has not been retained and fish passage has not been provided then the inspection confirmation shall include what modifications were recommended by the SQP and if these have been completed.		
C2 Currently no Fish			

Management Plan mentioned or required that i could see? No conditions mentioning fish management plan.			
There are no erosion and sediment control drawings			