

**BEFORE THE STATE HIGHWAY 1 NORTH CANTERBURY WOODEND
BYPASS PROJECT (Belfast to Pegasus) [FTAA-2512-1157] EXPERT
PANEL**

In the matter of The Fast-track Approvals Act 2024

And Approvals sought under the Resource Management Act 1991, Wildlife Act 1953, Heritage New Zealand Pouhere Taonga Act 2014, and the Freshwater Fisheries Regulations 1983.

**Record of Decision of the Expert Panel
under Section 87 of the
Fast-track Approvals Act 2024**

Date of Decision: 29 July 2026

Expert Panel Members:

Cameron Lines

Dr Greg Durrell

Robert van Voorthuysen (Chair)

TABLE OF CONTENTS

PART A: EXECUTIVE SUMMARY	1
PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE	2
B1: Existing Environment	2
B2: The Application	2
B3: Procedure	7
PART C: LEGAL CONTEXT	9
PART D: IWI AUTHORITIES	11
PART E: ASSESSMENT OF EFFECTS	11
E1 Management Plans	13
E2 Cultural Effects	18
E3 Transport Effects	21
E4 Noise and Vibration Effects	25
E5 Air Quality Effects	28
E6 Ground Contamination Effects	31
E7 Landscape, Visual and Natural Character Effects	37
E8 Archaeological and Heritage Effects	41
E9 Ecological Effects	45
E10 Hydrogeological Effects	51
E11 Earthworks, Stormwater and Flooding Effects	54
E12 Hazardous Installations	61
E17 Monitoring and Review	62
PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT	63
PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT	66
G1: Decision-making criteria for consents under the RMA	66
G2: Decision-making criteria for alterations to Designations	68
G3: RMA Statutory Instruments	70
G4: Regional and District planning framework	76
G5: Sections 104G, 105 and 107 of 2 of the RMA	80
G6: Part 2 of the RMA	81
G6: Decisions on resource consents	82
G7: Decision on Designation amendments	82
PART H: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE WILDLIFE ACT	83
PART I: AN AUTHORITY THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE HERITAGE NEW ZEALAND POUHERE TAONGA ACT	84
PART J: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE FRESHWATER FISHERIES REGULATIONS	85
PART K: OTHER CONSIDERATIONS	88

International Convention on Biological Diversity	88
PART L: OVERALL APPROACH.....	89
L1: General Comments	89
L2: The principal issues that were in contention	89
L3: Our main findings in relation to these issues.....	89
L4: The relevance of the FTAA decision-making criteria	90
L5: Overall Decisions.....	90
PART M: CONDITIONS	90
M1: FTAA and General Requirements	90
M2: NZTA's Proposed Conditions	90
M3: Panel's Initial Assessment	91
M4: Panel's Draft Conditions.....	95
M5: Comments on the Panel's Draft Conditions	96
M6: NZTA's Response to the s 70 Comments on the Panel's Draft Conditions	101
M7: Panel Findings on Conditions	102
M8: Conditions Imposed	106

APPENDICES

Appendix A:	Parties who provided comments under ss 53 and 70
Appendix B:	Resource consents granted
Appendix C:	Resource consent conditions
Appendix D:	Resource consent attachments
Appendix E:	Designation conditions
Appendix F:	Designation attachments
Appendix G:	Wildlife Act approval
Appendix H:	Archaeological Authorities
Appendix I:	Freshwater Fisheries Dispensation

DEFINITIONS

TERM	DESCRIPTION
CAG	Cultural Advisory Group, established under the Project designation
CARP	Canterbury Air Regional Plan (October 2017 version)
CAQA	Construction Air Quality Assessment (Volume 3E)
cDWPZ	Community Drinking Water Protection Zone
CLWRP	Canterbury Land and Water Regional Plan (March 2025 version)
CRC	Canterbury Regional Council (Environment Canterbury)
CRPS	Canterbury Regional Policy Statement (July 2021 version)
CSAs	Construction Support Areas
Day	Working day (unless otherwise stipulated)
Designation	As the context requires: Existing: The designation for the Project and State Highway 1 in the operative version of the Waimakariri District Plan (D-38A in the OWDP and NZTA-3 in the POWDP). Altered: The existing designation inclusive of the alterations sought by the NZTA shown in Volume 3C (conditions) and Volume 4D (boundaries) of the SAR.
DOC	Department of Conservation
DSI	Detailed Site Investigation (Ground Contamination)
EcIA	Ecological Impact Assessment (Volume 3)
EPA	Environmental Protection Authority
FTAA	Fast-track Approvals Act 2024
FTE	Full-time equivalent
GAZ	Groundwater Allocation Zone
GPS	Government Policy Statement on Land Transport 2024 - 2035
HAIL	Hazardous Activities and Industries List
HNZPT	Heritage New Zealand Pouhere Taonga
HNZPT Act	Heritage New Zealand Pouhere Taonga Act 2014
KiwiRail	KiwiRail Holdings Limited
LUC	Land Use Capability
MfE	Ministry for the Environment
MIMP	Manauī Iwi Management Plan 2013
NES:CS	Resource Management (National Environmental Standard for Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NES:DW	Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007
NES:F	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
NPS:FM	National Policy Statement for Freshwater Management 2020 (Amended January 2024)
NPS:HPL	National Policy Statement for Highly Productive Land 2022 (Amended August 2024)
NPS:IB	National Policy Statement for Indigenous Biodiversity 2023 (Amended October 2024)
NPS:UD	National Policy Statement for Urban Development 2020 (Updated May 2022)
NZFPG	New Zealand Fish Passage Guidelines (2024)
NZTA	New Zealand Transport Agency Waka Kotahi

NOR	Notice of Requirement
OWDP	Operative Waimakariri District Plan
Project	State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) (the construction, operation, and maintenance thereof)
Site	The land contained within the area delineated as “Project Site” in Volume 4C, and the lizard relocation sites identified in Volume 3J Appendix A Figure 1
POWDP	Partially Operative Waimakariri District Plan
Requiring authority	NZTA
RMA	Resource Management Act 1991
RoNS	Roads of National Significance
SH1	State Highway 1
SNA	Significant Natural Area
SQP	Suitably Qualified Person
ULVEA	Urban, Landscape and Visual Effects Assessment (Volume 4C)
WDC	Waimakariri District Council

MANAGEMENT PLAN ACRONYMS

ACSMP	Archaeological and Cultural Sites Management Plan
CAQMP	Construction Air Quality Management Plan
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CSMP	Contaminated Sites Management Plan
CTMP	Construction Traffic Management Plan
EMP	Ecological Management Plan
ESCMP	Erosion and Sediment Control Management Plan
GMP	Groundwater Management Plan
HMP	Heritage Management Plan (for 110 Parsonage Road)
LMP	Lizard Management Plan
REMP	Residual Effects Management Plan
ULDMP	Urban and Landscape Design Management Plan
VEMP	Visual Effects Management Plan

PART A: EXECUTIVE SUMMARY

- 1 This is an Application lodged by the New Zealand Transport Agency Waka Kotahi (NZTA) under the Fast-track Approvals Act 2024 (FTAA) for approvals to construct, operate and maintain the State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) (B2P or Project).
- 2 The Project is listed in Schedule 2 of the FTAA.
- 3 The Project will extend the State Highway 1 (SH1) Christchurch Northern Corridor between Belfast and Pegasus and spans a linear length of around 11 km, commencing from approximately 600m south of the Kaiapoi River Bridge and ending approximately 700m north of the Pegasus/Ravenwood intersection. The Project includes upgrades to around 4km of the existing SH1 and a new approximately 7 km bypass of Woodend township.
- 4 On 11 March 2026 an Expert Panel (Panel) was appointed to determine the Application. The Panel received comments from commentators and a response to those comments from NZTA. The Panel carefully reviewed all that information in evaluating the Application. The Panel assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.
- 5 The Panel found that, having considered all relevant matters, the Project met the purpose of the FTAA. Consequently, for the reasons given in this Decision, the Panel grants the approvals sought, as set out in Appendices B to I of this Decision.
- 6 This Decision is made in accordance with section 87 of the FTAA. It covers all the approvals sought in NZTA's Substantive Application and it traverses:
 - (a) Part A: Executive Summary;
 - (b) Part B: An overview of the Application and the Panel's procedure;
 - (c) Part C: The legal context for the Application;
 - (d) Part D: Iwi authorities and their input to the Application;
 - (e) Part E: An assessment of the effects of the Project on the environment and a summary of the matters raised in the s 51 reports and s 53 comments;
 - (f) Part F: The regional or national benefits of the Project;
 - (g) Part G: Decision making framework for the approvals that would otherwise be applied for under the RMA;
 - (h) Part H: Decision making framework for an approval that would otherwise be applied for under the Wildlife Act;
 - (i) Part I: Decision making framework for authorities would otherwise be applied for under the HNZPT Act;
 - (j) Part J: Decision making framework for approvals relating to complex freshwater fisheries;

- (k) Part K: Other considerations;
- (l) Part L: Overall approach; and
- (m) Part M: Conditions imposed.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

- 7 NZTA is the authorised person for the Project as set out in s 42 of the FTAA.

B1: Existing Environment

- 8 NZTA provided a detailed description of the existing environment for the Project in Part 4 of the Substantive Application, including the following key characteristics:

- (a) Planning context;
- (b) Cultural setting;
- (c) Built and social environment;
- (d) Transport environment;
- (e) Noise;
- (f) Air quality;
- (g) Contaminated land;
- (h) Landscape, visual and natural character;
- (i) Archaeology and heritage;
- (j) Ecology;
- (k) Hydrogeology; and
- (l) Stormwater and flooding.

- 9 We adopt that description without repeating it here. In Part E of this Decision, we set out relevant components of the existing environment with respect to various impacts of the Project.

B2: The Application

- 10 The Project is an extension of the SH1 Christchurch Northern Corridor between Belfast and Pegasus. Spanning a linear length of approximately 11km, the Project includes upgrades to approximately 4km of the existing SH1 and a new approximately 7km bypass of Woodend township. Construction of the Project will require extensive earthworks to establish the motorway alignment and associated infrastructure. The Project design has currently (as at 2025) been developed to approximately 30% detailed design.

- 11 NZTA sought the following approvals for the Project under the FTAA:

- (a) Resource consents from CRC that would otherwise be applied for under sections 9, 13, 14, and 15 of the Resource Management Act 1991 (RMA) in relation to the relevant regional plans and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
- (b) Resource consents required from WDC under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
- (c) An alteration to the existing Project designation for which a notice of requirement would otherwise be lodged under the RMA;
- (d) A Wildlife Approval for an act or omission that would otherwise be an offence under the Wildlife Act 1953;
- (e) Archaeological Authorities that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014; and
- (f) An approval or dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity.
- 12 The specific resource consents (all discretionary activity status) required from the CRC were tabulated in CRC's s 53 comments as follows:
- | Activity | Planning Document | Phase | Consent # |
|---|-------------------|--------------|-----------|
| Section 9 earthworks and land disturbance | LWRP and NES-F | Construction | CRC263282 |
| Section 13 structures and works in river and lake beds | LWRP and NES-F | | CRC263283 |
| Section 14 take, use, divert and dam surface water and groundwater | LWRP | | CRC263285 |
| Section 15 discharge water and contaminants to land, water, and air | LWRP and CARP | | CRC263287 |
| Section 13 structures and works in river and lake beds | LWRP and NES-F | Operational | CRC263284 |
| Section 14 take, use, divert and dam surface water and groundwater | LWRP | | CRC263286 |
| Section 15 discharge water and contaminants to land and water. | LWRP | | CRC263288 |
- 13 The Substantive Application stated that the Designation (DO58A) for the Project corridor had been included in the Operative Waimakariri District Plan (OWDP) since 2015 and was subject to an existing suite of conditions¹. The purpose of DO58A was "to undertake construction, maintenance, operation, use and improvement of the Woodend Bypass and associated infrastructure. DO58A had been rolled over into the Partially Operative Waimakariri District Plan (POWDP) with the same purpose, conditions and area as in the OWDP².
- 14 In accordance with s 176(1)(a) of the RMA, s 9(3) of the RMA does not apply to works carried out under a designation for its stated purpose. Consequently, any Project works

¹ Those conditions were included in Volume 2B of the Substantive Application.

² Reference NZTA-3.

undertaken within the Designation that would otherwise contravene a rule in the Waimakariri District Plan are already authorised, provided the Designation conditions are met.

- 15 The Substantive Application did not revisit or reassess activities and their associated environmental effects that were already authorised by the existing Designation. Those activities included construction, maintenance and operational activities that might generate effects on the environment arising from earthworks, access and traffic generation, terrestrial ecology (outside of water bodies and their margins), noise and vibration, urban design and landscaping, and lighting.
- 16 The Substantive Application was limited to the effects arising from the current 30% design relative to the 2013 scheme design and activities that were not considered or not wholly considered as part of the 2013 NOR that resulted in DO58. That included extending the Designation footprint to accommodate an amended intersection design, construction support area (CSA) and wetland offset.
- 17 NZTA advised that any future approvals required under the RMA or Canterbury Flood Protection and Drainage Bylaw 2013 would be sought separately. Other routine approvals or legal authorisations to authorise activities such as the relocation of utilities, activities on private properties (e.g. constructing driveways or provision of replacement water supply), activities within the road reserve, or approvals under the Building Act 2004 would also be sought separately.
- 18 For completeness we note that an Outline Plan was submitted to WDC in August 2025 to authorise the early works for Kaiapoi Bridge Strengthening and Quarry Lakes Partial reclamation. We have not considered the effects of those authorised early works activities as they do not form part of the Substantive Application.
- 19 The key features of the Project are shown in Figure 1 overleaf.



Figure 1: Key Project Features

20 The Project involves the following components:

- (a) Upgrading of SH1 from approximately 600m south of Kaiapoi River Bridge to the Cam River / Ruataniwha (a total distance of approximately 4km), including:
 - i. An additional southbound lane from around 600m south of the Kaiapoi River Bridge to the bridge itself;
 - ii. Seismic strengthening and widening of the Kaiapoi River Bridge to accommodate the additional southbound lane; and
 - iii. Upgrading the SH1 carriageway from two lanes to four lanes from Lineside Road Overpass to the Cam River / Ruataniwha.
- (b) A new four-lane motorway, bypassing Woodend township from the Cam River / Ruataniwha to approximately 700m north of the Pegasus / Greenwood intersection (a total distance of approximately 7km), including:
 - i. A new Cam River / Ruataniwha bridge to the east of the current bridge that integrates with the Williams Street interchange;
 - ii. A new interchange at the intersection of Williams Street and SH1;
 - iii. A new tiered Quarry Lakes embankment through two artificial lakes (formed through quarrying), including dynamic compaction. The southern remnant lake created by the cutaway will be partially filled and a wetland constructed in that area;
 - iv. A new Woodend Beach Road bridge over SH1, including a realignment of and upgrades to Woodend Beach Road;
 - v. A new Gladstone Road bridge over SH1, including upgrades to Gladstone Road, and
 - vi. A new Pegasus interchange involving removal of the existing roundabout at the intersection of SH1 / Pegasus Boulevard / Bob Robertson Drive and its replacement with a new grade-separated diamond interchange overpass, including traffic signals and local road upgrades including connection of Garlick Street to SH1.
- (c) Project wide activities applying at various locations:
 - i. Stormwater infrastructure such as swales, drains, culverts, and stormwater detention and treatment facilities;
 - ii. Watercourse and drainage works, including the permanent realignment and culverting of portions of Waihora Stream, Taranaki Stream, Taranaki Stream Tributary and McIntosh Drain;
 - iii. Landscaping and planting;
 - iv. Ecological offsetting and compensation, including planting and creation of an ecology offset wetland at the southern remnant lake;

- v. Noise mitigation comprising earth bunds and acoustic fences;
- vi. Relocation of existing utilities and installation of new utilities; and
- vii. Road features and furniture including emergency bays, signage, and barriers.

21 Further detail can be found in Part 3 of the Substantive Application. We refer to various aspects of these Project components in Part E of this Decision.

B3: Procedure

The FTAA context

22 The Panel has been conscious of the emphasis on time limited decision making in the present process, the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits,³ and the procedural principles in s 10 of the FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the Panel's functions, duties and powers.

Panel Convener Steps

23 The Panel was set up under s 50 of the FTAA with effect from 17 March 2026.

Initial Panel briefing and site visit

24 The Panel attended a briefing session hosted by NZTA that was also attended by representatives of the administering agencies on 14 April 2026 and undertook a site visit that same day.

Other Panel meetings

25 Much of the Panel's correspondence, deliberations and decision-making occurred over email following the receipt of comments (including on the draft Decision and approval conditions) and the Panel's review of available documentation. Notwithstanding this, the Panel met via Teams on the following occasions:

- (a) 16 March 2026;
- (b) 15 June 2026; and
- (c) 21 July 2026.

Comments and reports on the application

26 The FTAA does not contain a notification process and there is no obligation to hold a hearing. The primary mechanism by which third parties can provide information to a Panel is through the provision of comments (ss 53 and 70 FTAA).

³ Section 3.

- 27 On 1 April 2026⁴ the Panel invited comments on the Project in accordance with s 53. The Panel also received and considered the reports required by s 18 and 51⁵ of the FTAA. The parties⁶ who provided comments are listed in Appendix A⁷.
- 28 Under s 72 of the FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development. Comment was received from Hon Tama Potaka who supported the Application.
- 29 The Panel thanks all parties who commented for their contributions and expresses its gratitude for the efforts made to properly inform us of matters arising. The matters raised in the comments are primarily discussed in Parts E and F of this Decision under the relevant headings to which the comments relate.

NZTA's response to invited persons comments

- 30 On 15 May 2026⁸ NZTA provided a response to the comments received on the Application from those persons who were invited to comment. This included amongst other matters, evidence from technical experts⁹ and updated suites of conditions for each of the approvals. As part of their response NZTA also addressed matters raised in the DOC and HNZPT s 51 reports.
- 31 On 5 June 2026 NZTA provided a Memorandum addressing a Canterbury mudfish survey and withdrawal of the Project archaeologist.
- 32 On 17 June 2026 NZTA provided a Memorandum addressing the Lizard Management Plan and the conditions for the Wildlife Approval.
- 33 The Panel has considered NZTA's responses, and, where appropriate, refers to those responses in Parts E to M of this Decision.

Further information

- 34 The Panel sought further information from:
- (a) NZTA via Minute 4 on 20 April 2026 regarding FTAA Schedule 5 clause 23, FTAA Schedule 5 clause 30, amendments to the NPS:HPL and the appropriate version of the FTAA for the Panel to operate under;
 - (b) NZTA and CRC via Minute 8 regarding multiple documents provided by NZTA to CRC on stormwater and flooding matters that were not part of the Substantive Application; and

⁴ Due to an oversight by the Panel the Minister of Transport was invited to comment on 13 April 2026 and due to an oversight by the EPA the Minister for the Environment was invited to comment on 28 April 2026.

⁵ Department of Conservation and Heritage New Zealand Pouhere Taonga.

⁶ Comments were received after the 4 May 2026 deadline from two persons. As provided for by s81(6) FTAA we accepted those late comments.

⁷ On 26 May 2026 the EPA received an unsolicited further comment from a s53 commentator. As the FTAA does not provide for further s53 comments to be provided after the applicant's s55 response has been received, we elected not to receive the unsolicited further comment. On 9 and 11 June 2026 the EPA received unsolicited comments from a person who had not been invited to comment under s 53 of the FTAA. We elected not to receive those unsolicited comments.

⁸ On 11 May 2026 NZTA sought and was granted a four-day suspension of the Project.

⁹ Jamie MacKay (terrestrial ecology), Patrick Lees (Canterbury mudfish), Fiona McIntosh (wetland ecology), David Deleazarza (stormwater and flooding), Paul Walker (contaminated land) and Jason Pene (air quality).

- (c) NZTA and CRC via Minute 9 on 14 June regarding design rainfall events and incorporation of the RCP8.5 climate change scenario;
- 35 Panel members facilitated conferencing in person or virtually via Microsoft Teams with invited experts and council officials on 24 April 2026 with the councils to discuss the Designation conditions.
- 36 A draft of this Decision (including proposed conditions) was circulated to relevant parties on 26 June 2026 and 15 July 2026¹⁰ and their comments have, where appropriate, been taken into account as outlined in Part M of this Decision.

No hearing required

- 37 The Panel exercised its discretion under s 56 of the FTAA to not require a hearing on any issue. We were able to adequately consider all relevant issues based on the information available to us including the Substantive Application; the s 51 reports and s 51 comments received; NZTA's responses to comments; the conference already mentioned; the further information provided by NZTA, the councils and invited persons; the s 70 comments on the Panel's draft conditions and NZTA's response to those comments.

Timing of the Panel Decision

- 38 In accordance with the Panel Convenor's Minute dated 10 March 2026 the Panel was to issue its decision on or before 4 August 2026. However, as s 53 comments were invited on 1 April 2026 the EPA advised that the due date for the decision was amended to 29 July 2026. Following the four day suspension request from NZTA the due date reverted to 4 August 2026.

PART C: LEGAL CONTEXT

- 39 The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.¹¹ It is intended to be a one-stop shop¹² for a range of approvals which would otherwise need to be applied for under various legislative processes, including the RMA 1991.
- 40 Mandatory provisions that apply in relation to all Fast-Track approval applications include s 81 of the Act. We agree with counsel for NZTA¹³ that s 81 requires the Panel to:
 - (a) consider a relevant Government policy statement (s 81(2)(aab));
 - (b) consider the Substantive Application and any information received under specific sections of the FTAA (s 81(2)(a));
 - (c) apply the clauses specific to each type of approval in s 81(3) of the FTAA (s 81(2)(b)); and
 - (d) comply with s 82 which relates to Treaty settlements (s 81(2)(c)).

¹⁰ See Part M4 for an explanation of these dates.

¹¹ FTAA, s 3.

¹² FTAA, s 42.

¹³ Legal submissions for the New Zealand Transport Agency Waka Kotahi, 19 December 2026. Paragraph 4.1.

- 41 Under s 81 we may:
- (a) impose conditions in relation to Treaty settlements, provided we comply with s 83 in setting such conditions (ss 81(2)(e) and (d)); and
 - (b) only decline the approval in accordance with s 85 of the FTAA (s81(2)(f)).
- 42 We acknowledge counsel's submission¹⁴ that in terms of s 81(2)(a-b)), the Project has been prioritised for delivery as a Road of National Significance (RoNS) under the Government Policy Statement on Land Transport 2024 - 2035 (GPS). That strategic classification emphasises the Project's significant national and regional benefits and indicates its consistency with the purpose of the FTAA.
- 43 The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998. Section 7 of the FTAA requires the Panel to act in a manner that is consistent with any obligations under that Act. Counsel for NZTA advised¹⁵ that the Act included the identification of Statutory Acknowledgement areas of particular cultural, spiritual, historic and traditional association. The Statutory Acknowledgement area Te Tai o Māhānui was relevant to the Project because it will receive all of the water from the water bodies (both surface and ground) that are impacted by the Project. We discuss relevant matters¹⁶ in sections E8, E9 and E11 of this Decision.
- 44 The Treaty settlement does not provide for the consideration of any documents that are specifically relevant to the Project area or to NZTA¹⁷. Counsel advised¹⁸ that the Treaty settlement does contain several high-level principles intended to provide a framework for partnership between the Crown and a Treaty settlement partner. Accordingly, NZTA had collaborated with iwi on the Project and would continue to do so. We find that to be appropriate.
- 45 The Ministry for the Environment's 18 report advised that no other obligations (such as Mana Whakahono, Rohe or joint management agreements) were relevant to the Project area.
- 46 Section 81(3) refers to schedules of the FTAA. We discuss the criteria specific to each type of approval specified in those schedules in Parts G to J of this Decision. We understand that when considering whether to grant each of those approvals we must give the greatest weight to the purpose of the FTAA.
- 47 Section 81(4) provides:
- When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
- 48 We discuss the regional or national benefits of the Project in Part F of this Decision.

¹⁴ Ibid, paragraph 4.3.

¹⁵ Ibid, paragraph 4.9.

¹⁶ Impacts on cultural sites (E8), impacts of wetlands and streams that sustained mahinga kai (E9) and stormwater management (E11).

¹⁷ Ibid, 4.10.

¹⁸ Ibid, paragraph 4.11.

- 49 Section 85 sets out the limited circumstances in which approvals must or may be declined. There are no mandatory matters here that would engage subsections (1) or (2) and require us to decline the Application.
- 50 We address a range of potential adverse impacts of the Project in Part E of this Decision. Suffice to say that; after considering NZTA's various mitigation, offsetting and compensation proposals; in our view there are no adverse impacts that are sufficiently so significant as to be out of proportion to the Project's regional or national benefits.
- 51 We acknowledge that ss 5, 6 and 7 of the RMA contain matters which the Panel is to weigh up when making its decision under s 81 of the FTAA and in carrying out the proportionality exercise under s 85(3). We adopt the Expert Panel's observation in *Waihi North*¹⁹ that s 85(4) of the FTAA means that non-compliance with, say, avoidance policies that would usually preclude the granting of an approval is not of itself fatal to an application.²⁰ In other words, an effect that is the subject of an avoidance policy is not to trump a regional or national benefit.²¹

PART D: IWI AUTHORITIES

- 52 Section 18(1) of the FTAA requires the Minister to obtain and consider a report from the responsible agency (MfE). Section 18(2) sets out the mandatory components for the report which include any relevant iwi authorities and relevant treaty settlement entities.
- 53 The s 18 report for this Application identified Te Rūnanga o Ngāi Tahu and Te Ngāi Tūāhuriri Rūnanga as the relevant iwi authorities and treaty settlement entities. In Part D and section E2 of this Decision we refer to those iwi authorities, along with the substance of the comments that were provided under s 53 of the FTAA by Whitiōra Centre Limited (Whitiōra), who are mandated by Ngāi Tūāhuriri Rūnanga to act on its behalf.
- 54 MfE's s 18 report advised that the owners of two blocks of land²² were other Māori groups having relevant interests in the Application. We invited comments from those owners.

PART E: ASSESSMENT OF EFFECTS

- 55 In Part E of this Decision, we summarise the s 53 comments received under each effects heading. We record that some comments addressed matters outside the scope of our jurisdiction including road tolling, landscaping of the wider quarry lakes area, creating a regional park within the Lees Road and Barkers Road properties now owned by NZTA, creating a museum of local history, gifting money to Conservation Volunteers NZ and trees for Survival Charity for Canterbury. We do not address those 'out of scope' matters further.
- 56 In each of the sections in Part E we have included a heading titled "Conditions". The discussion of conditions in those sections relates to amendments that we made to NZTA's proposed conditions in response to matters raised in the s 51 reports and s 53 comments

¹⁹ Record of Decisions of the Expert Panel under Section 87 of the Fast-track Approvals Act 2024, 18 December 2025. Part G1, paragraph 4.

²⁰ *Waihi North* decision at [10].

²¹ As it did in *Environmental Defence Society Incorporated v New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

²² The owners of Part Te Wera Māori Reserve 873 Block, S.O. Plan 13785; and the owners of Lot 3 Deposited Plan 345904, 171 Gladstone Road, Woodend.

that we received from various parties. We included that discussion so that the draft Decision that accompanied the draft conditions provided an explanation of those amendments.

57 We generally discuss further amendments to the conditions made in response to the s 70 comments we received on the draft conditions and NZTA's s 70(4) response to those comments in Part M of this Decision. Consequently, readers should refer to both the "Conditions" headings in the various sections of Part E and the further discussion in Part M to fully understand the rationale for the Panel's final suites of conditions for the various approvals granted for the Project.

58 Schedule 5 cls 5(4) requires an applicant to provide an assessment of an activity's effects on the environment covering the information in cls 6 and 7. These matters include:

- (a) an assessment of the actual or potential effects on the environment;
- (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;
- (c) if the activity includes the discharge of any contaminant, a description of—
 - i. the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - ii. any possible alternative methods of discharge, including discharge into any other receiving environment;
- (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity;
- (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal;
- ...
- (f) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved;
- ...
- (g) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects;
- (h) any physical effect on the locality, including landscape and visual effects;
- (i) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity;
- (j) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;

- (k) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants;
- (l) the unreasonable emission of noise;
- (m) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

59 Section 6.6 of Application Document 2A included an assessment of these matters. Commentors also raised a range of actual and potential effects that were of concern to them. Our approach has been to generally use the same effects-based headings that that were used in Section 6.6 of Application Document 2A. Where there is general agreement between the parties as to the nature of those effects and any conditions that should be imposed on the relevant approvals then our discussion is relatively brief.

60 Where there is contention between NZTA and other parties we address any potential adverse effects in more detail. In doing so we discuss the comments received, NZTA's response to those comments, any relevant provisions of the statutory instruments as noted in Parts G to J of this Decision, and our findings on the potential adverse effects.

61 Prior to discussing the effects of the Project, we address the matter of management plans and their appropriate use in the approval. This was a matter of interest to several parties including the councils and DOC.

62 The following actual and potential effects on the environment are then assessed:

- Cultural Effects
- Transport Effects
- Noise and Vibration Effects
- Air Quality Effects
- Ground Contamination Effects
- Landscape Visual and Natural Character Effects
- Archaeological and Heritage Effects
- Ecological Effects
- Hydrogeological Effects
- Earthquake, Stormwater and Flooding Effects
- Hazardous Installations

E1 Management Plans

63 NZTA intends to prepare thirteen management plans to collectively manage the detailed design and construction of certain aspects of the Project together with some of the effects of those activities.

64 Seven of the management plans are particular to the altered Designation:

- (a) Archaeological and Cultural Sites Management Plan (ACSMP);
- (b) Construction Environmental Management Plan (CEMP);

- (c) Construction Noise and Vibration Management Plan (CNVMP);
- (d) Construction Traffic Management Plan (CTMP);
- (e) Heritage Management Plan for 110 Parsonage Road (HMP);
- (f) Urban and Landscape Design Management Plan (ULDMP);
- (g) Visual Effects Management Plan (VEMP).

65 Six management plans are particular to the resource consents:

- (a) Construction Environmental Management Plan (CEMP);
- (b) Construction Air Quality Management Plan (CAQMP);
- (c) Contaminated Sites Management Plan (CSMP);
- (d) Ecological Management Plan (EMP);
- (e) Erosion and Sediment Control Management Plan (ESCMP);
- (f) Groundwater Management Plan (GMP).

66 The CEMP features in both the Designation and the resource consents and we understand it is intended to be the same document, namely there are not two separate CEMPs.

67 The Wildlife Approval requires a:

- (a) Lizard Management Plan (LMP).

68 The Archaeological Authority requires an:

- (a) Archaeological and Cultural Sites Management Plan (ACSMP).

69 We understand that the ACSMP required under the Designation and the Archaeological Authority are the same document.

70 Management plans are routinely used for major infrastructure and construction projects. They are a suitable mechanism for ensuring that 'outcome based' consent conditions that set standards or limits are complied with, and detailed environmental effects are managed appropriately.

71 Management plans avoid cluttering the conditions with excessive detail, particularly regarding how certain construction works or mitigation actions will occur. The caveat is that the approval conditions for management plans should generally specify:

- (a) the purpose (or objective) of the plan;
- (b) ideally which conditions it is designed to assist with implementing;
- (c) the minimum contents of the plan;

- (d) who is to prepare it (in this case that involves a Suitably Qualified Person or SQP which is a defined term);
 - (e) who else should be consulted or involved in preparing a management plan (in this case that primarily relates to Whitiara);
 - (f) the process for amending a plan;
 - (g) that the works to which the plan relates must not commence until the relevant plan is completed to the administering authority's satisfaction (or certified); and
 - (h) that the Project activities are to comply with the 'certified' plan.
- 72 Any performance standards or limits that the Project needs to comply with and that will be monitored by NZTA or the administering authorities should ideally be set out in conditions and not in the management plans. If there is conflict between the management plan and the conditions, then the conditions must prevail.
- 73 It is routine for a management plan to be submitted to the appropriate administering authority and thereafter 'certified', which for all intents and purposes is a delegated approval process.
- 74 In this case NZTA proposes that the management plans particular to the resource consents will be certified by the CRC. Initially the LMP was to be certified by DOC, however a finalised LMP was provided to the Panel on 17 June 2026 for inclusion in the Wildlife Approval. The ACSMP will be certified by HNZTP. A Remedial Action Plan (RAP) for contaminated land will be provided to the Waimakariri District Council (WDC) for their information.
- 75 For the altered Designation NZTA proposed that instead of being certified by the WDC, the relevant management plans would instead be provided as part of the Outline Plan (or Plans) to be provided by WDC under s 176A of the RMA.
- 76 That is not an unusual approach, and it is one that the Panel is familiar with. For example, that was the approach utilised by NZTA for the Te Ahu a Turanga: Manawatū Tararua Highway Designation approval process in the lower North Island.
- 77 Some of the specific management plan conditions proposed for the altered Designation did not meet the caveats that we set out above. For example, some of the proposed conditions did not specify the purpose of the plan. Other conditions lacked sufficient detail to enable compliance to be monitored and enforced or used vague terminology. Some of the performance standards or limits that the activities must comply with were not specified in conditions.
- 78 Consequently, the proposed Designation conditions at times lacked sufficient clarity and certainty and were demonstrably less robust than those imposed on other NZTA designations²³ that the Panel was familiar with.

²³ Including the Te Ahu a Turanga: Manawatū Tararua Highway and the SH29 Tauriko West corridor in the western Bay of Plenty

Comments Received

- 79 Whitiora advised that its involvement in the review and content of the management plans was fundamental to ensuring that the cultural values, interests and priorities of Ngāi Tūāhuriri were addressed. Whitiora supported the requirement for NZTA to engage with Whitiora in the development of the management plans, along with conditions enabling Ngāi Tūāhuriri to raise environmental issues during construction. Whitiora sought to have input to any amendments to the management plans.
- 80 CRC noted that NZTA had not provided draft management plans, proposing instead that they be developed and approved through the compliance framework. Consequently, CRC considered it particularly important that key environmental outcomes and performance standards were clearly specified and secured through enforceable consent conditions, rather than being deferred to subsequent management plan approval.
- 81 CRC opposed conditions enabling the deemed certification of management plans should CRC not respond to a submitted plan within a certain timeframe. CRC considered that deemed certification risked substandard management plans being approved for construction activities, resulting in suboptimal environmental outcomes, with a consequential risk that CRC (through its compliance function) might need to intervene to monitor, manage, or remedy such outcomes should they arise.
- 82 CRC suggested that 40 working days should be provided for management plan certification.
- 83 CRC proposed an alternative management plan certification approach whereby NZTA would nominate a SQP²⁴ to certify the management plan, subject to CRC approval of the nominated SQP. This approach would remove reliance on CRC certification timeframes and place responsibility for meeting certification timeframes with NZTA.
- 84 WDC and its expert advisors were concerned about the removal of the management plan certification process. For example, their Senior Transportation Engineer stated *"Shifting management plans to the Outline Plan process appears to remove the requirement for Council's written certification. This would not be in line with the intent of the original Designation conditions and substantially reduces Council's ability to influence the project elements covered by the management plans."* They were also concerned about a perceived inability to certify management plan amendments.
- 85 WDC requested a definition of a Suitably Qualified Person (SPQ).
- 86 DOC opposed the deemed certification resource consent conditions and their counterpart in the Wildlife Approval conditions. DOC considered an independent regulatory check of management plans was necessary to ensure that NZTA was adhering to all protective requirements before work commenced. Deemed certification removed the primary protection mechanism and degraded the overall purpose of a management plan.
- 87 DOC opposed the removal of the Lizard Management Plan (LMP) from the Designation conditions²⁵. Retaining a LMP in the Designation conditions²⁶ would further allow the lizards' habitat to be properly managed as the Wildlife Approval only managed impacts

²⁴ Suitably Qualified and Experienced Person.

²⁵ Condition 44.

²⁶ We were unsure if DOC also sought for a LMP to be included in the CRC consent conditions.

on the species itself. DOC advised that the same LMP could contain the requirements for both the WDC's Designation and the Department's approvals.

NZTA response to comments

- 88 NZTA did not support reverting to a certification framework for the management plans that were referred to in the Designation. The proposed approach aligned the management plans with the Outline Plan process under section 176A of the RMA, which already provided WDC with a statutory review function and an ability to request changes to the plans. In that regard WDC could seek its own independent technical input at that stage if it thought that was necessary.
- 89 NZTA considered that a certification process would duplicate the s176A statutory process and create an additional approval step. The proposed Outline Plan process achieved an appropriate balance between WDC oversight and NZTA's responsibility for implementation. Furthermore, NZTA noted the Outline Plan approach was common across its designations, including Designation P19 in the Christchurch District Plan for the Brougham Street Project.
- 90 Regarding a definition of a SPQ, NZTA considered that would introduce a requirement for WDC to certify individuals which was not typical practice. NZTA also observed that most conditions to which the SPQ definition applied had already been progressed. Introducing certification of SPQs would therefore create an unnecessary administrative burden.
- 91 Regarding CRC's concern about the 'deemed certification' process, NZTA advised it sought deemed certification across all management plan conditions for consistency, and to better facilitate the efficient delivery of the Project. NZTA proposed updated condition wording to clarify that deemed certification would not occur if the relevant agency communicated to NZTA within a 30-working day timeframe that the management plan was not suitable to certify. Deemed certification was only proposed in the event there was no communication from the certifying agency within 30 working days.
- 92 Addressing CRC's suggestion of a SPQ to certify management plans, NZTA advised it would not accept such an approach because in discharging its responsibilities for certifying the plans, CRC would need to complete its own reviews to satisfy itself that the plans complied with conditions. CRC's suggestion would introduce an additional review step into the certification process and would not facilitate NZTA's primary objective of efficiently delivering of the Project.
- 93 Responding to Whitiara, NZTA noted that the proposed condition set included requirements for engagement on management plan development and NZTA was continuing to work on this in parallel with Whitiara.

Panel Findings

- 94 We acknowledge concerns about the removal of the management plan certification process from the Designation conditions. However, we accept that the provision of management plans as part of an Outline Plan process is a legitimate and acceptable alternative approach. As we noted earlier, it is one that the Panel is familiar with.
- 95 Consequently, we have no issue with the provision of management plans as part of the Outline Plan. Having said that, we acknowledge that it would have been preferable for

NZTA to have provided draft management plans as part of its Substantive Application. In the absence of that having occurred, it is particularly important that the approval conditions dealing with management plans meet the caveats that we discussed above. We have endeavoured to ensure that has occurred.

- 96 We acknowledge commentators' concerns regarding the 'deemed certification' of management plans in the CRC consents, Wildlife Approval and Archaeological Authority. While we accept that such conditions may have been imposed on the approvals for other projects, we find that would not be appropriate here and observe that other FTAA expert panels²⁷ have not imposed 'deemed certification' conditions. Instead, we adopt the approach recently used in the Waihi North FTAA approvals of inserting an advice note to address the certification process, including an indication that certification must not be unreasonably withheld or delayed, and certification or a response from the certifying agency is expected to take no longer than 30 working days.
- 97 Regarding CRC's suggestion of a SQP to 'certify' the management plans, we agree with NZTA that would be inappropriate here. For the Southland Windfarm project [FTAA-2508-1095], conditions were imposed by that FTAA panel requiring a SQP to be nominated by the consent holder and approved by the relevant councils. The role of that SQP (called the Independent Management Plan Reviewer) was to provide technical guidance, and confirm, or make recommendations to the consent holder on the suitability of the contents of the management plan(s) in addressing the relevant conditions of consent. However, actual certification remained with the relevant council. So that approach differs from what we understand CRC was suggesting for this NZTA Project.
- 98 We agree with NZTA that there is no need to define the term "Suitably Qualified Person", noting that term is widely used in consent conditions and is well understood.

Conditions

- 99 We amended the conditions of the approvals as outlined above.

E2 Cultural Effects

- 100 Cultural effects were assessed in section 6.6.3 of the Substantive Application and in a Statement of Cultural Values²⁸ (Volume 1E) prepared by Whitiara Centre Limited (Whitiara).
- 101 The Statement records²⁹ that Ngāi Tūāhuriri Rūnanga is a principal hapū of Ngāi Tahu, acknowledged in the Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998 (Settlement Act). The takiwā of the hapū is centred at Tuahiwi, and extends from Huiatui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakai, and inland to the Main Divide. In this area, Ngāi Tūāhuriri actively exercises rangatiratanga and kaitiakitanga over te Taiao.
- 102 The Statement advised that Whitiara Centre Limited (Whitiara) is mandated by Ngāi Tūāhuriri Rūnanga to act on its behalf in matters of environmental policy and planning.

²⁷ Including recently for Wahi North and the Southland Windfarm.

²⁸ Statement of: Cultural Values, Interests & Priorities, Whitiara, October 2025.

²⁹ In the Introduction.

- 103 Section 6.6.3 stated that the Project traverses an area of high cultural significance and involves activities that affect land, waterways and sites of high cultural significance and sacredness. The Statement evaluated potential impacts on Wāhi Tapu and Wāhi Taonga and summarised the effects on those sites and taonga, having regard to the findings of the technical reports prepared for the Substantive Application, particularly the Ecological Impact Assessment (Volume 3I).
- 104 The Statement³⁰ noted NZTA and Whitiara commenced engagement on the Woodend By-pass Project in mid-2024 and had met monthly since then. Whitiara and NZTA had agreed the formation of a Cultural Advisory Group (CAG) which is reflected in the amended Designation conditions. The CAG is a separate forum from the regular engagement hui between NZTA and Whitiara and includes representatives from Ngāi Tūāhuriri Rūnanga. The Terms of Reference for the CAG include the joint preparation of an Archaeological and Cultural Site Management Plan (ACSMP) and advice on cultural art, naming and planting.
- 105 The Statement noted NZTA provided Whitiara with a full suite of draft technical reports, alterations to the Designation conditions, proposed conditions for the resource consents, and the draft applications for the Wildlife Approval and Archaeology Authorities. Whitiara reviewed those draft reports which enabled them to understand the details of the Application.
- 106 Section 6.6.3 included a summary of anticipated cultural effects relating to wetlands, waterways, fauna and flora, Wāhi Tapu and the cultural landscape, transport and cumulative effects. That summary had been reviewed by Whitiara and it noted:
- (a) Measures for offsetting residual effects on wetlands, in the form of the southern remnant lake, were supported by Whitiara. Measures for offsetting residual effects on waterways through enhancement of McIntosh Drain were supported. Whitiara expected effects on water quality resulting from construction discharges, stormwater and road runoff would be addressed through appropriate and best practice erosion and sediment control, stormwater management, and riparian planting. Measures to treat and manage stormwater were supported. Whitiara considered that implementation of ecological mitigation, offsetting and compensation, combined with improved stormwater treatment, could positively contribute to the restoration of environmental values that also hold cultural value;
 - (b) While the Project would result in the loss of lizard habitat, Whitiara acknowledged that effects on fauna could be managed through the Ecological Management Plan (EMP) and there was the potential to enhance indigenous planting throughout the Designation corridor;
 - (c) The Project would result in a permanent and irreversible change to the cultural landscape and would have cumulative effects on cultural values because of the permanent loss of wetlands, modifications to waterbodies and the loss of indigenous biodiversity. The mitigation and offsetting proposed by NZTA were necessary to assist with some degree of restoration of cultural values within the landscape; and

³⁰ In the section titled Partnership and Engagement.

- (d) The Project would provide benefits in the form of improved traffic safety and efficiency for all road users, but there was the potential for unintended effects of displaced local traffic short-cutting through Tuahiwi, both during construction and operation of the Project. Whitiara acknowledged that the Traffic Management Plan for early works at the Quarry Lakes was amended to address these concerns.

- 107 The Statement³¹ recommended several requirements which had been agreed to by NZTA. These included monitoring of local roads; including the integration of infrastructure or services in any local road upgrades; and codifying the mitigation, offsetting and compensation measures recommended in NZTA's technical reports in conditions.
- 108 NZTA had agreed that the Construction Environmental Management Plan (CEMP), Ecological Management Plan (EMP), and Erosion and Sediment Control Management Plan (ESCMP) should require six monthly monitoring outcomes to be provided to Whitiara during construction, together with protocols for Whitiara and/or Ngāi Tūāhuriri to liaise with NZTA and its contractors regarding any construction related concerns or issues. On that matter the Convenor's Minute³² noted³³ that "... except for the Archaeological and Cultural Sites Management Plan, Whitiara engagement on management plans will be outside the FTAA process."

Comments Received

- 109 The Minister for Māori Development and Minister for Māori Crown Relations, Hon Tama Potaka, supported the Project and encouraged the Panel to have regard to the cultural significance of the Project area within the Rūnanga Tūpuna, including associations with waterways, wāhi tapu, urupā and ancestral landscapes, and identified and potential effects on taonga species.
- 110 Whitiara provided comments as mandated by Ngāi Tūāhuriri Rūnanga. They advised the Project would permanently alter an area of high cultural significance to Ngāi Tūāhuriri, Ngāi Tūhaitara, Ngāti Whātua and Ngāi Tahu, and that the Project corridor passed through a cultural landscape that historically included multiple Pā, with Kaiapoi Pā being of particular national significance.
- 111 Whitiara considered that the mitigation, off-setting and compensation proposed by NZTA was necessary to assist with some degree of restoration of cultural values within the landscape associated with impacts on water quality and aquatic ecology, and the permanent loss of wetlands, modifications to culturally significant waterbodies and the loss of indigenous biodiversity. Whitiara also considered cultural monitoring of earthworks should be enabled across the whole Project site.

NZTA response to comments

- 112 NZTA acknowledged the support expressed for the Project by the Minister for Māori Development and Minister for Māori Crown Relations. NZTA noted the matters that the Minister encouraged the Panel to have regard to were addressed in section 4.3 of the

³¹ In the section titled "Requirements" on page 27.

³² Minute Of The Panel Convenor, Advising of the Expert Panel Appointment and Decision Timeframe, FTAA-2512-1157, 10 March 2026.

³³ Paragraph 23.

Substantive Application, and in the Statement of Cultural Values, Interests and Priorities prepared by Whitiōra.

- 113 Regarding the s 53 comments from Whitiōra, NZTA acknowledged the cultural significance of the area and had undertaken extensive pre-lodgement consultation with Whitiōra on behalf of Te Ngāi Tūāhuriri Rūnanga. NZTA acknowledged the cultural values associated with the permanent loss of wetlands, modifications to culturally significant waterbodies and the loss of indigenous biodiversity and accepted the need to undertake mitigation and offsetting as described in the Substantive Application and the CRC consent conditions.
- 114 Regarding Whitiōra's concern about earthworks monitoring, NZTA proposed deleting the words "during archaeological investigations" from Proposed Condition 12(b)(i).

Statutory Instruments

- 115 No particular statutory provisions were brought to our attention in the s 53 comments, other than those already mentioned.

Panel Findings

- 116 Considering the s 53 comments provided by Whitiōra, we find that cultural effects have been adequately addressed and they do not weigh against granting the approvals sought.

Conditions

- 117 We did not amend NZTA's proposed conditions.

E3 Transport Effects

- 118 Construction and operation transport effects associated with the Project are largely authorised by way of the existing Designation. Transport effects that are relevant to this FTAA process primarily relate to the updated design of the Pegasus Interchange (relative to the 2012 scheme design). Those effects were assessed in section 6.6.4 of the Substantive Application and the supporting Transport Effects Assessment³⁴ (Volume 3C).
- 119 Construction traffic effects are managed by the existing Designation conditions, which require a Construction Traffic Management Plan (CTMP) to be prepared prior to construction works commencing. The CTMP would be provided to WDC with the Outline Plan.
- 120 At the Pegasus Interchange, the originally proposed upgraded roundabout will be amended to a signalised, fully grade-separated diamond interchange with two-stage pedestrian crossings, seven-phase signal phasing and realignment of the Taranaki and Waihora Streams. The interchange would be further optimised as detailed design progresses. NZTA's modelling³⁵ demonstrated that the updated design performed

³⁴ Belfast to Pegasus Motorway & Woodend Bypass Pre-Implementation and MSQA Professional Services, Transport Effects of the New Pegasus Interchange on the Surrounding Network, Aurecon New Zealand Limited, 17 October 2025. (Aurecon 2025).

³⁵ The modelling was based on current best estimates and assumptions, but actual future conditions may vary due to changes in land use, travel behaviour, infrastructure developments, and other external factors.

better, particularly under projected 2048 traffic volumes. The amended design utilised controlled crossings for pedestrians and NZTA considered that provided a better balance of safety and operational efficiency compared to the former roundabout.

Comments Received

- 121 WDC³⁶ advised that they have "... had close involvement with the Project's design team for the past several months including providing detailed review and feedback of the underlying traffic modelling and assumptions." WDC did not appear to query the transportation effects, but they did suggest a range of minor amendments to the transport related conditions.
- 122 Foodstuffs operate the New World Supermarket at Ravenswood and suggested NZTA should reconsider the proposed signalisation of the Bob Robertson Drive/Garlick Street/Kesteven Place intersection (Ravenswood Intersection) which is currently a roundabout, and undertake further development of safe system, multi-lane roundabout solutions as the preferred long-term option. Based on advice received from Stantec, Foodstuffs considered a roundabout offered better performance, resilience, and alignment with the Ravenswood town-centre environment.
- 123 Ravenswood Developments Ltd (RDL) advised that WDC had confirmed Ravenswood as a North Woodend Key Activity Centre and provided for development of a 20.74ha hectare commercial precinct on the eastern side of the centre, adjacent to SH1. RDL was concerned about the impact of the Project on the operation of the existing Ravenswood Intersection, suggesting that congestion and access restrictions resulting from the Woodend Bypass Project together with signalisation of the Ravenswood Intersection would result in a level of congestion that would significantly impede the movement of people and goods within the centre³⁷. We understand RDL supported Foodstuff's suggestion that a roundabout should be provided for the Ravenswood Intersection.
- 124 RDL also sought clear and legible signage ahead of the off/on ramps connecting SH1 to Bob Robertson Drive.
- 125 Sean Monaghan (Suburban Estates) provided comments on behalf of Brian and Anne Stokes whose 1.0 hectare block of land located between Ravenswood and Waikuku, bordered to the east by SH1 is known as the Gressons Road Block which is zoned Medium Density Residential Zone (MRZ) and is expected to provide for approximately 1,500 new houses. Suburban Estates supported the Project, along with the closure of the eastern end of Waikuku Road, provided the design of the Ravenswood Intersection did not preclude future enhancement to accommodate increased traffic volumes. Mr Monaghan requested provision for a 600mm diameter concrete conduit beneath SH1 to enable a future wastewater connection serving the Gressons Road Block.
- 126 Te Kōhaka o Tūhaitara Trust expressed concern about the potential disruption of local public access routes³⁸ to the Tūhaitara Coastal Park. TKTT requested that NZTA confirm that all existing access connections between communities and Tūhaitara Coastal Park

³⁶ Shane Binder (Senior Transportation Engineer) at WDC.

³⁷ The Stantec report considered (section 9 Recommendation) that a signalised intersection would generate long queues and combined with the requirements for the physical layout (for example, medians), would result in a need to restrict many accesses that have been provisioned for in the North Woodend ODP. As many of those accesses already exist, this will have adverse effects on the functioning of established businesses

³⁸ Tūhaitara Coastal Park is accessed from Kairaki, The Pines Beach, Woodend Beach, Pegasus Town, and Waikuku Beach.

would be maintained or improved; assess whether the Project would create any new barriers to access and provide for safe crossing points or alternative routes where needed; and engage with the TKTT regarding active transport connections.

- 127 Some lay person commentators³⁹ queried the lack of access to the bypass on the stretch between the Pines and Pegasus roundabout and another⁴⁰ suggested alternative transport solutions. One commentator was concerned about sleep disruption from vehicle headlights and the termination point of the Woodend Beach Road overpass⁴¹. Another⁴² requested safety mitigation along the boundary with Pegasus golf course as far as Preece Road. One commentator was concerned that construction (including filling of quarry lakes) would cause traffic congestion on local roads.
- 128 NZTA response to comments
- 129 Regarding WDC's comments, NZTA noted the Designation route was already authorised, and the proposed Pegasus interchange would support a functional transport system instead of the originally proposed roundabout which would no longer be fit for purpose given the growth in Ravenswood and Pegasus.
- 130 NZTA generally accepted WDC's suggested changes to Designation conditions 8(i), 9(a), 9(e), 39, 98 and 99.
- 131 Responding to the concerns expressed by Foodstuffs and RDL, NZTA noted the Bob Robertson Drive / Garlick Street intersection at Ravenswood was situated outside the Designation envelope for the Project, and the transport effects of the Designation route had already been authorised. NZTA acknowledged that traffic movements in the area were changing quickly as land was developed. NZTA advised they had contributed to further work with WDC looking at the modelling of that intersection for the purpose of future local network planning. NZTA considered the matters raised by commentators principally related to local road issues associated with vehicles exiting Bob Robertson Drive and not the interchange operation. Work on the intersection at Ravenswood was being led by WDC and was not within the scope of the Designation or the Project.
- 132 Addressing other comments from RDL, NZTA reiterated the Project would improve access to the Ravenswood development. Rapid growth at Ravenswood was one of the reasons why the Project had been redesigned to provide a grade-separated interchange. Off and on ramps to Bob Robertson Drive were proposed as part of the Project and NZTA directional signage would be provided and would be shown as part of the Outline Plan.
- 133 Regarding the comments of Sean Monaghan (Suburban Estates) made on behalf of Brian and Anne Stokes, NZTA noted the Gressons Road development was a separate project that would be managed through a separate process⁴³. NZTA advised that the Belfast to Pegasus Project conditions related to that Project and did not preclude development of the Gressons Road Block. However, NZTA stated it would continue to work separately

³⁹ Including Hugh and Catherine Bramwell.

⁴⁰ Nicky Auld.

⁴¹ Emma Cunningham.

⁴² Philip Jenkins.

⁴³ Including a survey and disposal process upon completion of the Project, which in some instances results in unused land being offered to adjoining blocks.

with the Stokes on relevant matters relating to the development of the Gressons Road Block in its role as an infrastructure provider.

- 134 Regarding Te Kōhaka o Tūhaitara Trust's concerns, NZTA reiterated that the Designation was existing, and they were not proposing changes to local access routes as part of the Project. In particular, local road access would be maintained via overpasses on Woodend Beach Road and Gladstone Road, ensuring ongoing access to the Tūhaitara Coastal Park.
- 135 On the matter of the lack of access to the Bypass on the stretch between the Pines and Pegasus roundabout, NZTA noted the Designation was existing and no changes to the access and exit points were being sought. Regarding safety mitigation along the boundary with Pegasus golf course as far as Preece Road, NZTA noted that was an existing situation adjoining SH1 and no changes were proposed to the Designation in relation to the golf course boundary.
- 136 Regarding Ms Cunningham's concerns about lighting, NZTA noted the Designation adjacent to Woodend Beach Road was already authorised. No changes were being sought to the Designation in that location which would alter lighting effects. In terms of her other concerns NZTA advised that private driveway connections would be addressed in the Outline Plan process, however, based on the current design for driveway⁴⁴ would be maintained in its current location. Pedestrian and cycle access would be maintained via a shared path on the overbridge allowing ongoing use of the Hill Creamer track, and by maintaining the connection with Woodend.
- 137 Responding to Nicky Auld, NZTA reiterated that traffic effects during construction were a recognised issue and would be actively managed⁴⁵ to minimise disruption to local roads. NZTA also noted that the filling of the quarry lakes to create an embankment for road construction was already authorised and was not within the scope of this Project. The quarrying consents were no longer being given effect to within the area of land designated and acquired by NZTA for the Project. As part of the separate land acquisition agreement those consents would be updated to reflect the modified land area available for quarrying, however that was not part of the current FTAA process.
- 138 In terms of Mr Auld's concerns about the 103 Woodend Bypass Route Designation, NZTA advised it had obtained approval for some early works under standard processes for the current Project, and therefore these early works are not being considered as part of the current Project.

Statutory Instruments

- 139 Mr Auld's comments noted that the Project was consistent with CRPS transport and infrastructure related objectives and policies, but that NZTA should produce a transport land use integration statement addressing how the Project aligned with CRPS policies 6.3.1 - 6.3.4. We address the CRPS in section G4 of this Decision.

⁴⁴ 160 Woodend Beach Road

⁴⁵ A Construction Traffic Management Plan is to be prepared and implemented prior to construction. It would set out approved routes, hours of operation, access points, and on-site controls to reduce congestion and conflicts with local traffic. Traffic management measures (e.g. signage, temporary speed limits, turning restrictions) would be used when necessary.

Panel Findings

- 140 We were mindful that transport effects were already authorised by the existing Designation and were not within the scope of our consideration, except for the minor areas of the enlarged Designation footprint.
- 141 Consequently, we could not explicitly address the concerns expressed by Foodstuffs and Ravenswood Developments Ltd regarding the Bob Robertson Drive / Garlick Street intersection at Ravenswood. We note the modelling of that intersection for the purpose of future local network planning is being led by WDC. We also note NZTA's intention to continue to work separately with the Stokes on relevant matters relating to the development of the Gressons Road Block.
- 142 We are satisfied that effects on local roads and connections are either already authorised or will be addressed through the Outline Plan process.
- 143 We find that transport effects do not weigh against granting the approvals.

Conditions

- 144 We have not amended NZTA's proposed conditions.

E4 Noise and Vibration Effects

- 145 Construction noise and vibration effects associated with the Project were assessed in section 6.6.5 of the Substantive Application and in the Construction Noise and Vibration Assessment⁴⁶ (Volume 3D). Construction noise and vibration are largely authorised by the existing Designation. Section 6.6.5 stated that there were no changes to operational noise and vibration effects arising from the proposed alterations to the existing Designation boundaries.
- 146 Aspects of the Project not covered by the existing Designation are:
- (a) Ground improvement (primarily stone columns) for bridges, including the new Pegasus interchange;
 - (b) Potential night works, primarily for bridges;
 - (c) Dynamic compaction of the early works embankments across the Quarry Lakes; and
 - (d) Alterations to the Designation boundaries.
- 147 Tonkin & Taylor 2025 developed a noise effects envelope for the Project, and they conservatively assumed noise walls (for operational purposes) would not be installed ahead of construction.
- 148 The existing Designation conditions require a Construction Noise and Vibration Management Plan (CNVMP) to be prepared prior to construction works commencing. The conditions describe noise and vibration criteria to be achieved during construction where

⁴⁶ Tonkin & Taylor Ltd, State Highway 1 North Canterbury—Woodend Bypass Project (Belfast to Pegasus) – Construction noise and vibration technical assessment, December 2025 (Tonkin & Taylor 2025).

it is practical to do so, and the CNVMP outlines the approach NZTA will take when those criteria cannot be achieved. Furthermore, a CTMP would be provided to WDC along with the Outline Plan.

- 149 A limited number of sensitive receptors (or PPFs⁴⁷) would be affected by ground improvement works required to ensure the ground had sufficient bearing to support the abutments for new bridges. A dynamically compacted⁴⁸ hardfill embankment (causeway) would be required to enable the alignment to pass over the Quarry Lakes.
- 150 Those effects are intended to be managed by the CNVMP. Ground vibration may be noticeable for occupants of buildings within 100m of the works, but Tonkin & Taylor 2025 considered the resultant vibration would be safe for residential buildings and cosmetic damage would not occur. Consequently, vibration monitoring was considered unnecessary.
- 151 Night works for bridge construction and dynamic compaction might exceed the noise and vibration criteria specified in the Designation conditions and had the potential to generate significant noise and vibration at specific locations. These exceedances were also intended to be managed by the CNVMP.
- 152 Tonkin & Taylor 2025 considered that proposed alterations to the existing Designation boundaries would not result in any change to the noise and vibration effects experienced at any sensitive receptor.

Comments Received

- 153 WDC⁴⁹ was concerned that the proposed deletion of Designation conditions 100-103 which mandated Council-led auditing and site inspections limited Council's ability to enforce or independently verify on-site noise and vibration compliance.
- 154 Dr. Rainer Hack and Dr. Ursula Hack are the owners of 110 Parsonage Road, Woodend. They supported the construction of appropriate noise walls to mitigate the operational noise of the bypass of the house and property. However, they sought amendments to Designation conditions 92 to 96 to enable them to have input to the Road-traffic Noise Assessment Report and the design of noise mitigations.
- 155 Other lay commentators⁵⁰ were concerned about the long-term operational noise, particularly from anticipated increased traffic volumes, and suggested mitigation options including soundings, noise barriers, or low-noise road surfaces, along with post-

⁴⁷ Protected Premises and Facilities comprising spaces used in buildings for residential activities, marae, overnight medical care, teaching (and sleeping) in education facilities and playgrounds that are part of educational facilities that are within 20m of buildings used for teaching purposes.

⁴⁸ Dynamic compaction involves dropping a 30T weight from a height of 30 m using a crane on a grid pattern with multiple drops at each point. Works would commence at the northern end of the crossing and progress in a southerly direction.

⁴⁹ Luke Lee (Senior Environmental Compliance Officer).

⁵⁰ Including Olivia Penrose (Cleaver) regarding Copper Beech Estate and Woodend Beach Road, Phillip Jenkins regarding north of The Pegasus Interchange along the eastern side of SH1 and the boundary with Pegasus Golf course as far as Preece Road, David Fahy regarding Lees Road; Jan Vlk regarding the existing residential community in Kaiapoi beside the existing SH1 corridor (Whitefield Street, Sneyd Street, Epworth Street, Bayliss Drive, Hayson Drive, Wyatt Street and nearby residential streets).

construction noise monitoring where required. In some cases,⁵¹ additional consultation, traffic and noise modelling, and noise monitoring was requested.

- 156 Some commentators⁵² suggested alternatives such as an underground pedestrian tunnel. However, it is our role to assess what NZTA has applied to undertake, rather than consider alternative road safety solutions.

NZTA response to comments

- 157 In response to concerns about noise and vibration NZTA reiterated construction and operational noise and vibration effects were already authorised by the existing Designation, with the exception of some Project construction activities that were not anticipated when the Designation was included in the OWDP, and where alterations to the Designation were sought.
- 158 NZTA stated that the existing Designation conditions⁵³ already required the consideration of noise mitigation options. Where those conditions required the installation of noise walls or bunds, the mitigation measures would be taken into account in the Visual Effects Mitigation Plan (VEMP), and the owners of 110 Parsonage Road would be consulted on the contents of the VEMP to discuss the design, methods and timeframes for mitigation of visual impacts. NZTA advised operational noise assessments were substantially advanced based on the scope set in the existing Designation conditions, and those assessments would be submitted at Outline Plan stage.
- 159 In terms of WDC's concern about Designation conditions 100-103, NZTA noted the Designation cannot impose conditions on WDC. However, those matters could be addressed through an advice note to clarify aspects within WDC's jurisdiction. NZTA did not agree to an additional clause which related specifically to charging for inspections on resource consents, noting the ability to charge is already available under the RMA as set out in the advice note.

Statutory Instruments

- 160 No specific statutory provisions were brought to our attention by the s 53 commentators.

Panel Findings

- 161 We were mindful that noise and vibration effects were already authorised by the existing Designation and were not within the scope of our consideration, except for the four aspects of the Project that we listed earlier. In that regard there was no expert opinion provided that contradicted Tonkin & Taylor's conclusion that the proposed ground improvements for bridges, potential night works, and dynamic compaction of the early works embankments together with proposed alterations to the existing Designation boundaries would not result in any change to the noise and vibration effects experienced at any sensitive receptor.

⁵¹ Such as Jan Vlk.

⁵² Including Glenn Allsopp and Karala Allsopp

⁵³ Conditions 92 to 96.

⁵⁴ Along with all 'affected properties' as required by Designation condition 41.

- 162 Consequently, we find that noise and vibration effects do not weigh against granting the approvals sought for the Project.

Conditions

- 163 We did not amend NZTA's proposed Designation conditions, other than to include an additional advice note relating to the recovery of WDC's inspection costs.

E5 Air Quality Effects

- 164 Air quality effects associated with the Project were assessed in section 6.6.6 of the Substantive Application and the Construction Air Quality Assessment⁵⁵ (Volume 3E).
- 165 Tonkin & Taylor AQ2025 noted that NZTA's proposed modifications to the existing Designation were unlikely to result in any material changes to effects on air quality during the operational phase of the Project. Their assessment consequently only addressed construction related effects.
- 166 Tonkin & Taylor AQ2025 stated that air quality effects were limited to the discharge of dust (coarse particulate matter) from construction activities such as mechanical disturbance or handling of soil, aggregate or bulk solid materials. A relatively small component of fine particulate matter (PM₁₀ and PM_{2.5}) might be emitted. Other potential discharges, such as respirable crystalline silica (RCS), odour and combustion emissions, were likely to be small in scale and their associated effects were considered negligible.
- 167 The Substantive Application⁵⁶ stated that sensitivity to dust impacts would generally be higher in the urban settings of Kaiapoi and Woodend, with a medium level of sensitivity within the rural environment. Similarly, the sensitivity to the health effects of PM₁₀ were high in urban environmental settings and low in the rural environment.
- 168 To determine what consents might be required from CRC under the Canterbury Air Regional Plan (CARRP), Tonkin & Taylor AQ2025 undertook a conservative assessment of air quality by assuming construction activities (which could give rise to discharges to air) could occur anywhere in the Project Site. Tonkin & Taylor AQ2025's FIDOL⁵⁷ analysis indicated that, provided recommended mitigation measures were implemented, the anticipated intensity, frequency, and duration of exposure to construction generated dust was unlikely to result in offensive or objectionable impacts in the surrounding environment.
- 169 We understand that the result of Tonkin & Taylor's assessment was that discharges of dust resulting from land development and unsealed surfaces were assessed as permitted activities, while discharges of dust resulting from the outdoor storage of bulk solid materials (stockpiling) required resource consent.
- 170 The requirement to prepare a Construction Air Quality Management Plan (CAQMP) is a proposed consent condition in the regional consents. The CAQMP will include specific procedures for stockpiling and handling material, including maximum heights for

⁵⁵ Tonkin & Taylor Ltd, State Highway 1 North Canterbury—Woodend Bypass Project (Belfast to Pegasus) – Construction Air Quality Assessment, December 2025 (Tonkin & Taylor AQ2025).

⁵⁶ Section 6.6.5.

⁵⁷ Frequency, Intensity, Duration, Offensiveness and Location.

stockpiles, screening of uncovered stockpiles in certain locations (in proximity to sensitive receptors), and covering or otherwise stabilising stockpiles.

Comments Received

- 171 CRC provided an air quality peer review⁵⁸ from Suzanne Cawood⁵⁹. The peer review agreed that the primary air quality issue was dust, and dust from most of the proposed construction activities was permitted under CARP Rule 7.32, provided they complied with the rule's conditions, which included the preparation of a Dust Management Plan (DMP) in accordance with the Schedule 2 of the CARP. However, emissions from stockpiles were a discretionary activity requiring consent.
- 172 Ms Cawood considered NZTA's proposed mitigation measures were industry standard and sufficient to mitigate dust emissions, if correctly implemented and maintained throughout the construction period. However, the removal of Designation condition 10 was opposed because NZTA was now proposing a CAQMP under the CA consent conditions to manage dust from the stockpiling activity only. Ms Cawood was of the view that if NZTA proposed to develop a separate DMP to address mitigation measures from the land development and unsealed surfaces to ensure it met CARP Rule 7.32, then that DMP should be certified in a similar process to the CAQMP being generated for the stockpiling of bulk materials.
- 173 Ms Cawood queried whether the Construction Support Areas (CSA) would be sealed, because if they were not, they could be a large source of potential dust and appropriate dust mitigation measures would need to be included in the CAQMP. She also queried the IAQM Dust Risk evaluation undertaken for the earthworks, suggesting it contained errors.
- 174 WDC sought the retention of Designation condition 10 requiring a CAQMP.
- 175 Te Kōhaka o Tūhaitara Trust queried protocols that would be in place to manage dust at the Tūhaitara Coastal Park.

NZTA response to comments

- 176 As part of its 55 response NZTA provided evidence⁶⁰ from Jason Pene⁶¹ on air quality matters. Responding to CRC's comments on the Dust Risk evaluation calculations, Mr Pene agreed with one of the suggested modifications in relation to wind speed characterisation (as all of the Project Site will be exposed to prevailing winds), but did not agree with the suggestion in relation to wind direction characterisation. He updated the DRI assessment presented in Table 6.1 of the CAQA⁶². In relation to CRC's comments on the IAQM dust risk evaluation, he agreed that the risk of human health impacts during the demolition and construction phase (as well as the earthworks phase) in rural environments had been overstated, but did not agree with the suggestion to conduct

⁵⁸ Appendix 1 – Technical Advice - Air Quality.

⁵⁹ Senior Environmental Scientist with Beca Limited.

⁶⁰ Statement of Evidence of Jason Savelio Karena Pene (air quality), Dated 15 May 2026.

⁶¹ Principal Consultant at Tonkin & Taylor Ltd.

⁶² Construction Air Quality Assessment report lodged with the Substantive Application.

separate risk evaluations for each Project construction zone⁶³. He updated the IAQM dust risk evaluation presented in Table 6.3 of the CAQA.

- 177 NZTA opposed the specification of setback distances in clause (a) of the definition of a Sensitive Air Quality Receptor Activity (SAQRA) as it would inappropriately extend the definition of an occupied dwelling well beyond the area that would be frequently occupied by the dwelling and its occupants and be inconsistent with the corresponding CARP definition of a “notional boundary” for occupied dwellings which is specified as 20 m from the dwelling façade. Similarly, setback distances proposed by CRC for clauses (b) to (d) of the SAQRA definition would inappropriately lead to incorporation of areas that were not associated with the sensitive activity and would likely include areas of low sensitivity to air quality effects.
- 178 Mr Pene noted that the updated DRI and IAQM assessments did not alter the conclusions of the CAQA on the impacts of dust.
- 179 Regarding WDC’s concern about Designation condition 10(a) and the CAQMP, NZTA advised its removal from the Designation was because the management of discharges to air was a regional council function being addressed through the CTMP framework and the proposed regional resource consents. Retaining Designation condition 10 would create a dual management and approval process, introducing the potential for duplication and inconsistency.
- 180 In response to Te Kōhaka o Tūhaitara Tāwhaiti’s concern, NZTA noted dust controls for stockpiles would be documented in the CAQMP in accordance with resource consent condition MP.9. NZTA advised that the Tūhaitara Coastal Park would be upwind of Project construction and associated dust sources under prevailing northeast winds and NZTA’s dust management measures were designed to minimise exposure to dust at sensitive receptors located in closer proximity to Project than the Tūhaitara Coastal Park and dune systems.

Statutory Instruments

- 181 CRC and NZTA referred to the CARP which we address in section G4 of this Decision.

Panel Findings

- 182 We are satisfied that the CAQMP can be removed from the Designation conditions, primarily because that will avoid a jurisdictional overlap with the CRC’s air quality management functions. We agree with NZTA that the issue of vehicle speeds on haul roads is better encapsulated in the CTMP.
- 183 We consider the CAQMP comprehensively addresses dust discharges from the stockpiles.
- 184 Since consent is only required for the discharge of dust from stockpiles, we do not agree with CRC that the resource consent conditions should require the preparation and certification of a separate DMP that encompasses the whole Project. NZTA will need to

⁶³ Rather than conducting a separate IAQM Dust Risk evaluation for each construction zone, separate evaluations were instead conducted in the CAQA for the urban environmental settings at Kaiapoi and Woodend and The rural environment comprising the remainder of the alignment.

produce a DMP to satisfy CRC that it meets CARP Rule 7.32A. However, that is a separate exercise.

- 185 We note that resource consent condition C4.11 is that *"There shall be no discharge of dust that is offensive or objectionable beyond the site boundary"*. If any such offensive or objectionable dust discharges arise, or if NZTA does not provide a DMP to CRC, then NZTA will presumably not meet CARP Rule 7.32A's permitted activity conditions and CRC can take appropriate enforcement action.
- 186 We are satisfied that potential impacts of dust on the Tūhaitara Coastal Park will be appropriately managed by NZTA's adherence to CARP Rule 7.32A's permitted activity conditions and the resource consent conditions for stockpiles
- 187 We find that NZTA has adequately identified and assessed the potential adverse effects of the Project on air quality and those effects do not weigh against granting the approvals.

Conditions

- 188 Regarding the CRC resource consent conditions, we agree with NZTA that the definition of SAQRA should remain as originally proposed for the reasons they cite. However, we have inserted resource consent conditions C4.12 and C4.13 that were sought by CRC to address dust discharges from stockpiles. We consider it is important to set out those requirements in standalone conditions under the CAOP then describing how those conditions will be met.
- 189 Other than that, we found NZTA's proposed conditions to be generally appropriate and made no material amendments to them.

E6 Ground Contamination Effects

- 190 NZTA addressed Ground Contamination Effects in section 4.8 of the Substantive Application Document and the Part 3F report prepared by Tonkin & Taylor Limited (T+T 2025)⁶⁴.
- 191 The assessment completed by T+T collates a range of previous reports, both for the overall alignment and for specific locations within the Designation.
- 192 T+T 2025 is a hybrid report that functions as a Preliminary Site Investigation (PSI) in some parts of the alignment and a Detailed Site Investigation (DSI) in others. The reason for this is due primarily to access limitations at the time of reporting or testing being deferred until clearance of structures is undertaken.
- 193 The report identified several areas of ground contamination that were confirmed by testing. These include:
- (a) A former landfill at Gladstone Road (Site 9/Area D).
 - (b) A livestock dip at 788 Main North Road, Kaiapoi (Site 4/Area A).

⁶⁴ State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus) Ground Contamination Assessment Tonkin & Taylor Limited December 2025, Rev F.

- (c) A former commercial blackcurrant agriculture site at 189 Woodend Beach Road (Site 7/Area B).
- 194 In addition, T+T identified a further eight sites where there is the potential for soil contamination to be encountered within the proposed earthworks footprint. These areas have been identified as requiring further investigation prior to earthworks commencing.
- 195 For the three sites (set out in (a) to (c) above) where detailed testing has been carried out T+T found that *"Contaminant concentrations in investigated areas are generally below thresholds for human health and groundwater protection."*
- 196 The Gladstone Road landfill is identified by T+T as the most significant HAIL (hazardous industries and activities list) site on the alignment. In some areas of that site, test results have identified contamination that exceeds surface water and groundwater protection criteria.
- 197 A detailed design for this area has yet to be completed and could involve either partial removal with ground improvement (likely dynamic compaction) or full excavation and removal of the landfill material.
- 198 T+T considered that the levels of soil contamination encountered indicate that most of these materials would be suitable for re-use elsewhere along the Project alignment.
- 199 A key part of the potential for re-use is the selection of Waste Acceptance Criteria (WAC), which are set out in Section 6.4 of T+T (2025). T+T have proposed two WAC re-use criteria. One for freshwater/terrestrial effects and one for protection of groundwater quality.
- 200 For assessment of freshwater/terrestrial effects the Australian and New Zealand Default Guideline Values (DGV) for toxicants in sediment are used.
- 201 For protection of groundwater quality T+T used the "leaching to water" criteria sourced from Table C-3 in WasteMINZ guidelines⁶⁵ for a Class 4 fill facility.
- 202 T+T noted that they did not use the "adopted" values from Table C-3 in WasteMINZ guidelines⁶⁶ for a Class 4 fill facility because they consider that those values are *"...typically based on protecting human health in a residential land use scenario or terrestrial ecology, neither of which are considered key receptors with the project site."*
- 203 Dewatering is not expected to be necessary with the exceptions of some culverts and if the full excavation option for the Gladstone Road landfill is undertaken. Discharge of dewatering water is expected to be to land adjacent to the dewatering areas and analysis of groundwater at Gladstone Road landfill indicates that the quality of any dewatered groundwater would not present a risk for groundwater users downgradient of the discharge to land, and therefore the effects of any dewatering discharge are expected to be low to negligible.

⁶⁵ WasteMINZ Technical Guidelines for Disposal to Land – Revision 3.1.

⁶⁶ WasteMINZ Technical Guidelines for Disposal to Land – Revision 3.1.

- 204 Dissolved copper and zinc from Gladstone Road Landfill exceed surface water quality assessment criteria and discharge to land is to be controlled to avoid dewatering water entering surface water bodies.
- 205 T+T recommended that operational phase stormwater discharges from the road to ground should be avoided in areas of identified ground contamination.
- 206 T+T proposed development of a Contamination Site Management Plan (CSMP) which will include protocols for any accidental discovery of contamination. They also noted that construction dewatering will be governed by the proposed Groundwater Management Plan (GMP) which will include controls such as groundwater quality sampling and pre-treatment.

Comments Received

- 207 Ground contamination effects were discussed in the comments provided by CRC and WDC, and Nicky Auld. The comments of Te Kōhaka o Tūhaitāke Trust also touched on contamination, but in an operational context; their comments are addressed in Part E11 – Earthworks, Stormwater and Flooding Effects.
- 208 Nicky Auld addressed ground contamination in two areas. The first being groundwater contamination risks related to importation of Class 5 cleanfill and the second being the backfilling of the quarry lakes.
- 209 Class 5 cleanfill is (by definition) virgin excavated natural material (VENM) free from contaminants. All quarried material in New Zealand is Class 5 cleanfill by definition⁶⁷. Contaminated land experts for NZTA, CRC and WDC did not raise this as an issue and we are therefore satisfied that the risk of groundwater contamination from imported Class 5 cleanfill is negligible.
- 210 We note that the back filling of the quarry lakes is already proceeding as part of previously consented earthworks and does not form part of the approvals sought as part of this FTAA application (hence the matter raised is out of scope).
- 211 While the comments provided by CRC and WDC cover different aspects of ground contamination effects, the assessment has been undertaken by the same Contaminated Land Specialist (Hana Christenson⁶⁸) and we consider both sets of comments holistically in this Part E assessment.
- 212 There are many areas of alignment between NZTA's experts and CRC/WDC experts. However there remain several areas of disagreement, primarily related to the Waste Acceptance Criteria (WAC) for re-use of contaminated soils and conditions of consent (which are addressed in a separate section below).
- 213 Ms Christenson agrees with the conceptual benefits of re-use of contaminated soils, but she was of the view that the WAC for protection of groundwater quality proposed by NZTA was not appropriate for the geological and hydrogeological setting.
- 214 While Ms Christenson accepted that the WasteMINZ leaching to water criteria may be acceptable for specific areas of the site "...where there is some management in place (for

⁶⁷ WasteMINZ Technical Guidelines for Disposal to Land – Revision 3.1.

⁶⁸ Senior Scientist – Contaminated Land and Waste Science, Hazards Science, Environment Canterbury.

example, under sealed surfaces and >1m above groundwater)” she did not consider them appropriate for re-use where the only other control is a restriction on placement within 20 m of waterways (within which the lower of the Default Guideline Values or leaching to water values will be used).

215 The main reasons given by Ms Christenson were that:

- (a) *“...the values are for an appropriately-sited landfill, and are not generally applicable for any soil anywhere in New Zealand”,*
- (b) Many of the constraints that the WasteMINZ Technical Guidelines indicate need to be considered in waste placement design such as drinking water aquifers, water courses, water supply catchments, estuaries, marshes and wetlands are present at, or near to the Project alignment.
- (c) *It is not clear whether the “...WasteMINZ Technical Guidelines were ever intended to derive soil reuse values that protect shallow (<1m depth) Canterbury groundwaters that are proximal to surface water environments such as are present in the project area.”*

216 Ms Christenson considered that the “adopted” values in the WasteMINZ Technical Guidelines would be more appropriate for use as threshold values for re-use of contaminated soils.

217 In addition to the disagreement around WAC, Ms Christenson considered that a much larger buffer from streams or watercourses (20m proposed by the applicant) should be adopted for contaminant concentrations above P5V. She proposed an alternative buffer of 100m.

218 Ms Christenson proposed that measurement of contaminant concentrations in soil to be re-used should consider both a mean and maximum concentration or if mean concentrations were used then the calculation method should be defined specifically in the consent conditions.

219 Additional information was provided that related to a specific error in the units used in the results tables for the Gladstone Landfill (Site 9/Area D) relating to organic compounds.

WZTA response to comments

220 WZTA provided a response to CRC/WDC comments on contaminated land through the evidence of Paul Walker⁶⁹ a contaminated land specialist at Tonkin & Taylor Limited.

221 Mr Walker responded to CRC/WDC concerns about the derivation of the leaching to water criteria in the WasteMINZ Technical Guidelines. His view was that the leaching to water criteria were appropriate for the Project.

222 The basis for Mr Walker’s opinion was that Class 4 facilities do not require the same siting consideration as Class 1 or Class 2 landfills, where the Guidelines indicate that

⁶⁹ Statement of Evidence of Paul Edward Walker dated 15 May 2026 FTAA-2512-1157.

"...site ownership, location and transport distance are likely to be the predominant siting criteria."

- 223 Mr Walker further considered that the Guidelines *"...define WAC that are sufficiently conservative and therefore protective where there are site features (such as shallow groundwater and nearby surface water) that would constrain the establishment of Class 1, 2 and 3 facilities."*
- 224 He also noted that the derivation of the WAC for leaching to water had a level of *"compounding conservatism that is baked into the derivation process..."* that included (but was not limited to):
- (a) The use of slightly acidic (i.e. more "aggressive") leaching water in the Synthetic Precipitation Leaching Potential ('SPLP') method;
 - (b) An adopted fraction of organic carbon (foc) of 1%, when higher values are expected from the soil to be re-used in this project; and
 - (c) An assumption of a 20 fold dilution value is more conservative than that expected at the subject site because:
 - i. The derivation method assumes contaminated soil extends to the groundwater table; and
 - ii. It is assumed that the receptor groundwater well is at the edge of the source, i.e. no dilution of contamination in the aquifer between the source and the receptor.
- 225 Mr Walker acknowledged that the derivation was based on meeting New Zealand Drinking Water Standards Maximum Acceptable Values (NZ DWS MAV) at the site boundary and that this was inconsistent with the CLWRP which limited groundwater quality at the property boundary to half the DWS MAV⁷⁰.
- 226 However, he stated that *"...the derivation already includes sufficient conservatism, such that the regional water quality limits would not be exceeded at the site boundary were soils at up to leaching to water' WAC reused."*
- 227 Mr Walker disagreed with the need for maximum contaminant concentrations to be measured in addition to mean concentrations and provided a proposed mean concentration measurement using the 95 per cent upper confidence limit of the arithmetic mean. He noted that *"...that the Waste Management Institute of New Zealand document 'Technical Guidelines: Characterising Surplus Soil for Disposal, September 2024' states that use of 95% UCL is appropriate for the characterisation of stockpiles providing that it is implemented by a SQP that understands the use of statistical tools."*
- 228 Mr Walker remained of that opinion that a 20m offset from water bodies was appropriate and considered that there was no basis provided for the 100m offset proposed by Ms Christenson.

⁷⁰ Canterbury Land and Water Regional Plan at Table 8i

Statutory Instruments

- 229 Statutory instrument provisions relevant to the ground contamination effects include:
- (a) The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES:CS).
 - (b) The Canterbury Land and Water Regional Plan (CLWRP).
- 230 We refer to these instruments in Part G of this Decision.

Panel Findings

- 231 The appropriateness of the Waste Acceptance Criteria (WAC) for re-use of contaminated soils within the Project alignment is the primary issue that needs to be resolved.
- 232 Site or project specific WAC may be developed on a project-by-project basis, but bespoke criteria of this nature do not appear to have been offered by either NZTA or CRC/WDC. It is unclear whether this is because they have not been able to be agreed between the experts or whether bespoke criteria have not been considered.
- 233 The Panel is not in a position to define bespoke criteria and we therefore needed to consider whether to accept CRC's position or that of NZTA, where contaminated land experts for both appeared to have a fundamental disagreement around the applicability of the only national guideline that might offer assistance in assessing the re-use potential of contaminated soils.
- 234 A key part of Ms Christenson's opinion is that the leaching to water criteria in the WasteMINZ Technical Guidelines were developed in such a way that they did not consider the issues of shallow groundwater in the Canterbury Region i.e. the leaching to water criteria are not applicable for that region.
- 235 On balance, we find it difficult to imagine a scenario where a document such as the WasteMINZ Technical Guidelines would fundamentally ignore the ground and groundwater conditions in one of the largest regions in the country. While not explicit in the final documentation, there appears to be sufficient evidence to suggest that the nature of the Canterbury Plains was considered during development of the guidelines⁷¹.
- 236 Ms Christenson proposes that the "adopted values" for Class 4 WAC be utilised for the project as a WAC.
- 237 However, it is clear from the WasteMINZ Technical Guidelines that the adopted values are primarily derived to be protective of human health and ecology. Conceptually, the Panel considers that more relaxed criteria for re-use of contaminated soils are reasonable where human health and/or ecological impacts are not a risk factor, which is the case for the proposed construction and operation of this Project.
- 238 Considering that context, the levels of conservatism described by Mr Walker, and the small volumes of contaminated soil expected over the Project alignment, the Panel is of

⁷¹ PDP 2019 Technical Memorandum WasteMINZ Landfill Guidelines – Options for Class 3 and Class 4 WAC Derivations. 12 December 2019.

the view that the Class 4 leaching to water Waste Acceptance Criteria proposed by NZTA are appropriate for the re-use of contaminated soil for landscaping within the Project designation.

- 239 However, we agree with CRC's position that siting remains an important consideration in development of a Class 4 controlled fill and do not accept Mr Walker's position that siting is inherently considered in the way the WAC are set. We have made changes to the draft condition set to reflect the need for a siting assessment for soil re-use where the proposed Class 4 leaching to water WAC are used.
- 240 The Panel is also mindful that the WAC are based on the NZ DWS MAV whereas the CLWRP requires half this value at the boundary. Mr Walker's evidence suggested that would be achievable, and we see no reason why the Project effects should not be monitored in accordance with the requirements of the CLWRP. We have also made changes to the draft conditions of consent to provide for this.
- 241 The remainder of the matters raised in relation to ground contamination effects can be adequately addressed by way of NZTA's proposed conditions of consent. On that basis we find that the ground contamination effects will be appropriately avoided, remedied or mitigated and do not weigh against granting the approvals sought.

Conditions

- 242 The revised set of conditions (provided in the comments made by WDC and CRC) include additions and changes made based on ongoing discussions between NZTA, WDC and CRC. We consider they appropriately manage ground contamination effects, subject to the amendments that the Panel has made as described above.

E7 Landscape, Visual and Natural Character Effects

- 243 Landscape, Visual and Natural Character effects associated with the Project were assessed in section 6.6.8 of the Substantive Application and in the Urban, Landscape and Visual Effects Assessment⁷² (ULVEA) (Volume 3G).
- 244 Section 6.6.8 stated that landscape and visual effects associated with the construction and operation of the Project were largely authorised by the existing Designation. Existing conditions included the preparation and implementation of an Urban and Landscape Design Management Plan (ULDMP).
- 245 Section 6.6.9 advised that the following changes and additions had the potential to result in landscape and visual effects:
- (a) Cam River / Ruataniwha crossing. The former design included demolition of the existing bridge and three new bridges, while this Project retained the existing bridge with a new bridge located immediately to the east;
 - (b) Pegasus interchange: As discussed in section E3 of this Decision; and

⁷² Belfast to Pegasus Motorway & Woodend Bypass Pre-Implementation and MSQA Professional Services, Urban, Landscape and Visual Effects Assessment, Aurecon New Zealand Limited, 17 October 2025.

- (c) Alterations to the Designation to include a Lees Road Construction Support Area (CSA) and infilling of the southern remnant lake wetland.
- 246 Changes to the Cam River / Ruataniwha crossing and inclusion of the southern remnant lake were not expected to give rise to any adverse landscape or visual effects during either construction or operation. Landscape character and natural features would experience a low beneficial change through the replacement of a low-value lake with a functional wetland environment, albeit one that was not expected to be visible from public vantage points.
- 247 The Pegasus interchange would result in moderate⁷³ landscape and visual effects during construction due to corridor widening, stream realignment and general construction activities. NZTA proposed new Designation conditions⁷⁴ requiring planting on the western boundary of Pegasus Resort to screen the future overbridge. Once operational the interchange would result in both adverse and positive effects. The prominence of the up to 9m high overpass bridge could be partially mitigated by increased planting, improved connectivity, and enhanced pedestrian and cyclist safety. Provisions in the ULDMP would seek to improve its appearance and minimise adverse visual effects.
- 248 The Lees Road CSA would cause visual and landscape impacts due to industrial activities and site establishment in a rural area, adjacent to residential street. The CSA had the potential to adversely impact the visual amenity enjoyed by residents on Lees and Barkers Roads. Proposed new designation conditions⁷⁵ required a planted earth bund along the southern boundary of the CSA to screen the site. With the bund in place, the ULVEA predicted only minor visual effects during the construction period. There would be no operational effects as the CSA would be restored following construction.
- 249 Regarding natural character, the ULVEA noted there were no Significant Natural Areas (SNAs) within the Project area. Notable natural features impacted by the Project included the Taranaki Stream, Waihora Stream, Cam River and several wetlands.
- 250 During construction minor adverse effects on those waterways and wetlands might arise, primarily due to the removal of vegetation and the loss of some wetlands. However, ongoing natural character effects were largely positive as wetland offsets and native planting would create biodiversity corridors that compensated for permanent wetland loss, resulting in beneficial ecological improvements. Removal of exotic pest vegetation and its replacement with endemic species would improve habitat quality and natural character.
- Comments Received
- 251 WDC⁷⁶ considered that the information provided by NZTA to support the assessment of landscaping effects at the Pegasus Interchange was limited and did not fully demonstrate how potential adverse visual and landscape effects would be mitigated. Concerns were expressed about the Cam River bridge, the Pegasus Interchange, the Lees Road Construction Support Area and the southern remnant lake. However, WDC considered that amendments to strengthen Designation conditions 39A and 40, together with the reinstatement of the certification process for Management Plans, would provide a

⁷³ Equating to more than minor but not significant adverse effects in RMA parlance.

⁷⁴ Condition 39A.

⁷⁵ Condition 39B.

⁷⁶ Jade McFarlane (consultant Landscape Architect and Urban Designer at ARK).

sufficient framework to ensure appropriate landscaping outcomes were achieved and effective mitigation was delivered.

- 252 WDC also considered landscaping requirements for Lees Road Construction Support Area could be sufficiently addressed by strengthened condition 39B, and landscaping proposed for the southern remnant lake /ecological offset landscape (new wetland area) could also be addressed through a management plan certification process. In saying that, WDC acknowledged that CRC and DOC processes would address the creation and maintenance of that new wetland.
- 253 Dr. Rainer Hack and Dr. Ursula Hack (110 Parsonage Road) sought amendments to Designation condition 40 to require NZTA to consult with them on the draft VEMP in relation to the proposed trees to be planted along the northern and eastern boundary of their property.
- 254 Te Kōhaka o Tūhaitara Trust requested that the planting plan for the Pegasus Motorway be designed to reflect the indigenous coastal and lowland ecosystems native to North Canterbury.

NZTA response to comments

- 255 NZTA addressed WDC's concerns on landscaping matters as follows:
- (a) the Designation conditions requiring preparation of an ULDM and VEMP to guide and inform the detailed design of the Project. That framework was established within the existing Designation condition 40. Additional Conditions 39A and 39B had been proposed to secure mitigations specific to the alteration to the Designation at the Pegasus Interchange and Lees Road CSA respectively;
 - (b) the Landscape drawing package, including detailed planting plans and planting schedule, and the quarry lake wetland, would be provided as part of the Outline Plan;
 - (c) the updated Tam River bridge design would not result in additional adverse landscaping or visual effects relative to the existing Designation;
 - (d) the ULDM assessed changes in visual effects from the previously approved design. Visualisations provided were indicative of year 10 to determine the level of effect and appropriate mitigation from the worst-case views (west and northeast of the interchange);
 - (e) mitigation of the Pegasus overpass occurred from either screening retaining walls, providing a trellis for climbing plants or using MSE blocks with an aesthetic finish. Further integration arose from revegetation of the realigned Taranaki Stream and screen planting⁷⁷ between the Pegasus Golf Course and east retaining walls;
 - (f) NZTA agreed to amend Condition 39B in relation to the Lees Road CSA to include further detail around rehabilitation requirements; and

⁷⁷ Noting Designation condition 39A secures this visual screening.

- (g) no adverse landscape or visual effects were anticipated from creating a wetland in the remnant quarry lake that will result from embankment construction. Consequently, NZTA did not consider Designation conditions were necessary in that regard. However, NZTA noted that the CRC consents required the preparation of a Residual Effects Management Plan to be certified by CRC⁷⁸, which would manage the creation of wetland habitat, including an adaptive and staged restoration methodology informed by ongoing groundwater monitoring.

256 In response to WDC's requested changes to conditions from its landscape reviewer NZTA stated:

- (a) A further requirement for visual simulations and developed landscape plans was unnecessary as it would duplicate the role of the ULDMP, which is the mechanism by which the detailed design is developed and documented and which will be provided to WDC for their review as part of the Outline Plan;
- (b) NZTA accepted a 5-year maintenance period for the Pegasus Interchange visual screening; and
- (c) NZTA did not consider conditions which controlled the colour and finish of buildings in the CSA to be necessary given the requirement⁷⁹ for visual screening.

257 Regarding Te Kōhaka o Tūhaitara Trust's request, NZTA reiterated that the Project was proposing around 23 Ha of native planting along the Designation corridor, as well as ecological offset areas which included native planting and habitat areas. The planting would use an all-native species palette guided by the Waimakarere/North Canterbury ecosystem and reviewed by terrestrial and aquatic ecologists and Whitoria.

Statutory Instruments

258 No relevant statutory instruments were brought to our attention by s 53 commentators.

Panel Findings

259 We were mindful that landscape, visual and natural character effects were already authorised by the existing Designation and are not within the scope of our consideration, except for the minor areas of the enlarged Designation footprint and the four aspects of the Project we listed in section E3. Those effects will be managed by the ULDMP and VEMP. We can respond to those plans as they see fit when they are submitted as part of the Outline Plan.

260 We are satisfied that new Designation conditions 39A and 39B suitably address the alteration to the Designation at the Pegasus Interchange and Lees Road CSA respectively. We are also satisfied that no adverse landscape or visual effects will arise from the updated Cam River bridge design or from the creation of a wetland in the remnant quarry lake.

⁷⁸ Under condition MP.7.

⁷⁹ As per Designation condition 39B.

- 261 Regarding TToK's concern we are satisfied the planting plan for the Pegasus Motorway will be designed to reflect the indigenous coastal and lowland ecosystems native to North Canterbury.
- 262 We find that subject to the imposition of appropriate Designation conditions, potential construction and operational related adverse impacts on landscape, natural character and visual amenity will be suitably avoided, remedied or mitigated. Consequently, those impacts do not weigh against a grant of consent.

Conditions

- 263 We have not materially amended the Designation conditions proposed by NZTA, other than to include the VEMP in condition 3(h) which lists the management plans to be included in the Outline Plan.

E8 Archaeological and Heritage Effects

- 264 Archaeological and Heritage effects associated with the Project were assessed in section 6.6.9 of the Substantive Application and in the Archaeology and Heritage Assessment⁸⁰ (Volume 3H).
- 265 Section 6.6.9 stated that the Archaeology and Heritage Assessment was prepared to support both the Archaeological Authorities sought under the HNZPT Act and the alteration to the Designation. It conservatively assumed all archaeological sites within the Project site would be destroyed, representing a worst-case scenario, although in practice some areas would not be subject to ground disturbance.
- 266 Strata 2025 advised the Project traversed a portion of a significant pre-European Māori archaeological and cultural landscape consisting of a dense settlement pattern of interconnected mahinga kai, ngāwhāra (trade), urupa, pāpakainga, nohoanga, kainga and āra (travel routes) that link Kaiapoi Pā at its centre with other regional centres at Tuahiwi and Kaiapoi. These sites were of cultural importance to Te Ngāi Tūāhuriri and Ngāi Tahu whānui.
- 267 There were 17 recorded⁸¹ archaeological sites (4 of which have already been destroyed) within the existing Designation which will likely be destroyed. They ranged from middens, oven, borrow pits and modified soils to an agricultural drain, historic domestic buildings, creamery foundations, gum tree and a historic homestead parcel associated with Reverend Raven⁸². A further four recorded archaeological sites situated within 50m of the Designation may potentially have archaeological remains and features that extend into the existing Designation. There were no recorded archaeological sites within the additional land proposed for inclusion in the amended Designation boundaries.
- 268 The archaeological and heritage effects of the Project, insofar as they relate to WDC matters, were authorised by the existing Designation. Existing Designation conditions 28 and 29 require the preparation and implementation of an Archaeological and Cultural Sites Management Plan (ACSMP) that will manage construction effects by prescribing

⁸⁰ Belfast to Pegasus Motorway & Woodend Bypass Pre-Implementation and MSQA Professional Services, Volume 3, Ref H Archaeological Assessment, Strata Heritage, 26 September 2025 (Strata 2025).

⁸¹ In the NZ Archaeological Association (NZAA) Site Recording Scheme (ArchSite).

⁸² These listed are listed in Table 1 of Strata 2025.

training, methods, protocols and procedures for the possible discovery of archaeological sites and investigation and recording of discoveries.

- 269 The ACSMP would be written by the Project Archaeologist in conjunction with the Cultural Advisory Group (CAG) and Whitiara (Te Ngāi Tūāhuriri Rūnanga mandated representative) and would ensure that effects will be appropriately mitigated in accordance with Māori tikanga protocols. The ACSMP would be certified by HNZPT.
- 270 The Substantive Application did not propose to amend Designation conditions 28 and 29.
- 271 Similarly, the Archaeological Authorities sought under the HNZPT Act would set out processes for archaeological monitoring, investigation, analysis and recording of any affected archaeological features. Those investigations might result in positive outcomes by developing a heritage archive and providing historic heritage narratives to be incorporated within the ULDMP, along with use of art to showcase culturally significant natural features, designs that 'tell the story' of the local area and integration of distinct themes of cultural significance into the design of the Project.
- 272 Other minor amendments to the existing Designation conditions included requiring reports to be provided to Whitiara on completion and deleting Conditions 26 and 27 as those matters would be addressed under the Archaeological Authorities.

Comments Received

- 273 Heritage New Zealand Pouhere Taonga (HNZPT) provided a report under s 51(2) of the FTAA, noting that NZTA had applied for Archaeological Authorities. The s 51 report stated that granting the Archaeological Authorities would be consistent with s 59(1)(a) of the HNZPTA and the "Statement of General Tauākī Mātai Whaipara, Archaeology Statement" included in "He Tauākī Kaupapa, Whānui, Statements of General Policy" dated October 2025.
- 274 HNZPT noted that recorded sites M35/1011 (Notable Tree) and M35/1010 (Creamery) did not meet the definition of an archaeological site under the HNZPT Act and so they recommended removing them from the list of archaeological sites in Authority #1. A further site M35/2477 (midden/oven) was recommended to be included in Authority #1.
- 275 HNZPT advised that the ACSMP was essential to manage the activities covered by the Archaeological Authorities, as it would outline procedures for identifying, protecting, managing, and recording archaeological sites. An ACSMP had not been submitted as part of the Substantive Application, however in March 2026 NZTA provided a draft ACSMP to HNZPT for its review. HNZPT advised that the March 2026 ACSMP was not considered to be appropriate, but they were continuing to work with NZTA, with the aim of reaching a point where the ACSMP could be certified prior to the granting of the Authorities. HNZPT advised that should the ACSMP be certified prior to the grant of the Authorities, then proposed Archaeological Authority condition 2 could be amended to reference the certified ACSMP. In the meantime, HNZPT had drafted condition 2 to provide for future certification of the ACSMP.
- 276 HNZPT advised that except for condition 2, the parties had reached agreement on the Archaeological Authorities conditions. HNZPT recommended that the Archaeological Authorities be granted, subject to conditions that were attached to Appendix A of their s 51 report.

- 277 In their s 53 comments HNZPT noted that they were consulted prior to NZTA lodging its first Substantive Application and HNZPT had worked closely with NZTA to reach agreement on an appropriate condition suite for the archaeological authority. HNZPT reiterated its concerns with proposed Archaeological Authority condition 2. A new condition 5 was sought relating to the requirement to have a person approved in writing pursuant to s 45 of the HNZTP Act. In that regard HNZPT recommended that the nomination for Dr Jeremy Habberfield-Short to be the approved person to carry out the activity not be approved.
- 278 Whitiara confirmed that it had an active role in the preparation of the draft ACSMP, and that appropriate protocols for monitoring, accidental discovery and recording of impacted sites had been integrated into it. To ensure that the conditions relating to archaeology appropriately identified and secured the interests and role of Ngāi Tahu, Whitiara proposed amendments to the conditions to enable cultural monitoring across the whole Project site and that they be advised of any material changes to the ACSMP.
- 279 Dr. Rainer Hack and Dr. Ursula Hack's (110 Parsonage Road) house is a Category 2 Historic Place (Mairangi) as noted in Application Document 3H. They sought amendments to Designation condition 32 to require NZTA to provide them with a copy of the photographic record of the property.
- 280 Te Kōhaka o Tūhaitara Trust advised that the Tūhaitara Coastal Park and the surrounding coastal landscape held significant archaeological and cultural heritage values, including evidence of past Ngāi Tahu occupation and use of the coastal environment. The Trust requested that if the Project was to bring the alignment closer to Tūhaitara Coastal Park, that a full archaeological assessment of the affected area be undertaken. Te Kōhaka o Tūhaitara Trust also wished to be notified and consulted if any alignment changes were proposed that reduced the buffer between the motorway and the Park boundary and that any archaeological monitoring protocols for the Project were shared with it.

NZTA response to comments

- 281 In terms of HNZPT's comments, NZTA advised that it and HNZPT had agreed the Archaeological Authorities condition set, with the exception of condition 2. NZTA did not disagree with the purpose statement or listed content of the ACSMP. However, NZTA disagreed with no certification timeframe being specified; and the absence of deemed certification if the timeframe was not met.
- 282 NZTA acknowledged HNZPT's position on the ACSMP and stated they would continue to work with HNZPT to finalise the ACSMP so it could be approved as part of this FTAA process. Regarding NZTA's request for Dr Jeremy Habberfield-Short to be the s 45 approved person, NZTA accepted HNZPT's additional condition if Dr Habberfield-Short was not approved at this time, noting that did not affect HNZPT's recommendation nor the Panel's ability to grant the Archaeological Authorities.
- 283 On 5 June 2026 the Panel received a Memorandum⁸³ from NZTA advising that they now considered that Dr Habberfield-Short did not have the available capacity to be appointed as the Project Archaeologist for the Project. Accordingly, NZTA withdrew its application to appoint Dr Habberfield-Short in that role. Counsel confirmed NZTA was comfortable

⁸³ Memorandum of Counsel for New Zealand Transport Agency Waka Kotahi regarding results of a Canterbury mudfish survey and withdrawal of the project archaeologist, Dated 5 June 2026.

with condition 5 as proposed by HNZPT and intended to make an application under s 45 of the HNZPTA to appoint a different person at a later stage outside the FTAA process.

- 284 Regarding Whitiōra's concern about material changes to the ACSMP, NZTA noted the Designation conditions required it to be jointly prepared and so Whitiōra would be included in any material changes. NZTA proposed amending Condition 2 on the Archaeological Authorities to note the requirement to include Whitiōra in any such changes.
- 285 Responding to Dr. Rainer Hack and Dr. Ursula Hack's comments, NZTA noted heritage effects were already authorised by the existing Designation and were not within the scope of the Panel's consideration, except for the minor areas of the enlarged Designation footprint. NZTA was not seeking to alter the obligation of the existing conditions and did not agree to provide a photographic record of the Hack's property.
- 286 Regarding Te Kōhaka o Tūhaitara Trust's concerns, NZTA noted a full archaeological assessment was carried out as part of the Substantive Application. Any future changes would require further assessment and associated Archaeological Authorities from HPTNZ. NZTA advised a detailed Archaeological and Cultural Sites Management Plan (ACSMP) was being prepared in consultation with Whitiōra, which included archaeological monitoring protocols. Once complete that ACSMP could be shared with Te Kōhaka o Tūhaitara Trust for information purposes as it would be a publicly available document.

Statutory Instruments

- 287 No particular provisions were brought to the attention in the s 53 comments, other than clause 5(3) of the FTAA or s45(2) of the HNZPT Act with regard to the approval of Dr Jeremy Habberfield-Short.

Panel Findings

- 288 We were mindful that archaeological and heritage impacts were already authorised by the existing Designation and were not within the scope of our consideration, except for the minor areas of the enlarged Designation footprint.
- 289 Nevertheless, we are satisfied that the archaeological assessment that was carried out as part of the Substantive Application adequately addressed archaeological and heritage impacts and the preparation of the ACSMP to be prepared jointly with Whitiōra is a suitable means of ensuring potential archaeological impacts will be appropriately managed. We note the ACSMP will be available for Te Kōhaka o Tūhaitara Trust to view in due course.

Conditions

- 290 Designation conditions already require a Heritage Management Plan for 110 Parsonage Road and we consider that largely addresses the concerns of Dr. Rainer Hack and Dr. Ursula Hack. However, we see no harm in requiring NZTA to provide the photographic record of that heritage property to its owners and we have amended Designation condition 32 accordingly.
- 291 The contents of the ACSMP described in Designation condition 29 are comprehensive and include a Wahi Tapu, Wahi Taonga and Urupa Protocol. The ACSMP will be prepared in jointly with Whitiōra. We see no need to amend that condition.

E9 Ecological Effects

- 292 Ecological effects are assessed in section 6.6.10 of the Substantive Application and in the supporting Ecological Impact Assessment Report⁸⁴ (EcIA, Volume 3I). Wildlife Act Approvals are addressed in section 7 of the Application and the Freshwater Fisheries Regulations approvals are addressed in section 9. Proposed methods for catching, holding, and relocating lizards are provided in the Wildlife Approval Report⁸⁵ (Volume 3J).

Effects on Terrestrial Ecology

- 293 Section 6.6.10.1 stated that effects on terrestrial ecology from land disturbance, earthworks, and vegetation clearance are largely authorised by the existing Designation. It further stated that terrestrial ecology effects are therefore limited to within 50 m of wetlands and streams (i.e., within the scope of CRC consent applications and within the additional land to be included in the expanded project Designation).
- 294 Section 6.6.10.2 stated that the Project has the potential to result in the permanent loss of up to 8.75 ha of predominantly exotic vegetation (5.48 ha along the margins of streams and wetlands and 5.27 ha within the areas of additional land to be included in the Designation), and up to 5.53 ha of habitat for indigenous fauna. It further stated that *"These estimates are conservative and are expected to reduce through detailed design. Landscape planting of indigenous species and wetland habitat creation at the southern remnant lake wetland and ecological offset planting at McIntosh Drain will provide new habitat."*
- 295 Section 6.6.10.2 noted that vegetation clearance and earthworks could harm indigenous lizards and birds. It is proposed that effects on lizards will be managed by salvage and relocation in accordance with the Lizard Management Plan (LMP), which is proposed as a condition of the Wildlife Authority being sought. A 'moderate' residual adverse effect was assessed, due to loss of lizard habitat. This residual effect is proposed to be offset by the planting of 'lizard friendly' vegetation at the southern remnant lake wetland and McIntosh Drain. Further details are provided in the Ecological Offsets section below.
- 296 Effects on birds will be managed in accordance with an Ecological Management Plan (EMP), which is a proposed condition of the CRC consents. The EMP will include details of bird surveys and constraints on vegetation clearance.
- 297 NZTA concluded that following the implementation of proposed mitigation measures in the LMP and EMP, residual terrestrial ecology effects would be low to very low, except for a moderate level of effect on lizard habitat.

Effects on Wetlands

- 298 Section 6.6.10.3 of the Substantive Application stated that the Project had the potential to impact 15 wetlands. The Application assumed that all vegetation and associated habitat would be removed during construction, but that wetland catchments within the project area would be reinstated as far as reasonably practicable. There would be the complete or partial loss of extent of five wetlands, with a combined total area of 6,206

⁸⁴ State Highway 1 North Canterbury—Woodend Bypass Project (Belfast to Pegasus) - Substantive Application - Ecological Impact Assessment, Tonkin & Taylor Ltd, December 2025 (Tonkin & Taylor EI2025).

⁸⁵ State Highway 1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) - Application for Wildlife Approval report, Tonkin & Taylor Ltd, December 2025 (Tonkin & Taylor WA2025).

m² (0.62 ha). Twelve wetlands are predicted to have their hydrology altered during construction and operation, and three wetlands may become fragmented. Impacts on hydrology may be reduced through stormwater design. Sediment-related construction effects are predicted to be effectively mitigated through implementation of an Erosion and Sediment Control Management Plan (ESCMP), which is a proposed condition of the CRC consents.

- 299 NZTA concluded that, following implementation of proposed mitigation measures, residual effects on individual wetlands ranged from 'negligible to high'. Offset mitigation was proposed for residual effects on wetlands, as detailed in the Ecological Offsets section below.

Effects on Stream Ecology and Fisheries Regulations Approvals

- 300 Section 6.6.10.4 of the Substantive Application stated that construction-related effects on streams and freshwater species were temporary and could be managed through implementation of the proposed ESCMP and EMP, including requirements for fish salvage and relocation. It concluded that following mitigation measures, any construction-related effects on streams would be 'very low to low'.
- 301 Potential ongoing effects of the project included impacts on fish passage and stream habitat. Fish passage considerations are incorporated into culvert designs and CRC consent conditions, but some culverts are long, resulting in residual effects on stream habitat that are assessed as 'negligible to high'. Offsetting is proposed for moderate or higher effects, with a focus on enhancement of McInnes Fish Drain.
- 302 Potential water quality effects associated with road stormwater runoff will be mitigated using stormwater treatment infrastructure. Residual water quality and ecological effects are assessed as being 'very low to low' following stormwater treatment (required as conditions of CRC consents).

Ecological Offsets

- 303 Section 6.6.10.5 of the Substantive Application described an ecological offsetting package, designed to offset the following residual adverse effects of 'moderate or above' level of effect:
- (d) Permanent loss of 0.66 ha of indigenous lizard habitat;
 - (e) Permanent loss of 0.67⁸⁶ ha of natural inland wetland extent and habitat values; and
 - (f) Permanent loss of, or modification to 428 m of stream length and habitat values due to stream realignment and culvert designs.
- 304 The Application pointed out that the ecological offsetting assessment differs slightly in terminology, but not in overall approach to that prescribed under the National Policy Statement for Freshwater Management 2020 (NPS:FM) and the National Policy Statement for Indigenous Biodiversity 2023 (NPS:IB) effects management hierarchy.

⁸⁶ The 0.67 ha of wetland loss referred to in section 6.6.10.5 of the Substantive Application is greater than the value of 0.62 ha given earlier in section 6.6.10.3. The reason for the difference in wetland area affected is unclear but is presumably due to the additional identified effects on hydrology and habitat fragmentation.

The EcIA used New Zealand ecological impact assessment guidelines⁸⁷ to ascribe a level of effect and then applied offsetting of residual adverse effects of 'moderate or above'.

- 305 The Application noted that under the NPS:FM and NPS:IB offsetting and compensation are required where residual adverse effects are 'more than minor' and residual adverse effects identified in the EcIA as 'moderate or higher' equate to 'more than minor' adverse effects under the NPS:FM and NPS:IB. The Panel appreciates the guidance provided by NZTA on this matter.
- 306 Permanent loss of 0.66 ha of lizard habitat is to be offset by enrichment planting and habitat enhancement within up to 5.94 ha of low-stature landscape planting. The application stated that this offset would be described in the EMP and required by the CRC consent conditions. NZTA suggested that the extent of compensation planting would be determined following completion of final designs. An Ecology Offset Plan attached as volume 4E to the Substantive Application stated that up to 6 ha of lizard friendly habitat would be created across the Project area (not shown on the Plan).
- 307 Permanent loss of 0.67 ha of wetland area is to be offset by enrichment planting along the margins of the southern remnant lake, which occupies land owned by NZTA. The Ecology Offset Plan further stated that up to 2.6 ha of area is available for wetland offsetting, with the full extent of the southern remnant lake highlighted on the Volume 4E map as the wetland offset area.
- 308 Loss and modification of up to 428 m of stream lengths is to be offset by enhancement of McIntosh Drain, where it flows through land owned by NZTA. The Ecology Offset Plan shows the offset area and stated that 0.6 ha of stream bed and 2.5 ha of riparian area was available for offset mitigation in the form of habitat enhancement and native riparian planting.
- 309 NZTA concluded that the proposed ecological offsets would result in no net loss of wetlands and streams, with a potential net gain in wetland values. The offsets would result in a positive effect for lizards, through improved habitat.

Comments Received

- 310 Key concerns raised by the Department of Conservation (DOC) in their section 53 Report included: that wetlands had not been sampled for the presence of Canterbury mudfish (Threatened – Nationally Critical); the ability to eradicate exotic coarse fish from the southern lake offsetting area; impacts on native common bully resident in the southern remnant lake; undervaluing flora and fauna values and therefore underestimating the required extent of ecological offset; information lacking on the extent of ecological offset; and impacts on Kaiapoi River Local Purpose (Esplanade) Reserve.
- 311 DOC also requested numerous changes to the proposed conditions, including: that CRC consent conditions and DOC Freshwater Fisheries Act Approvals are aligned so as to avoid repetition; removal of deemed certification clauses in proposed resource consent conditions; lack of detail on proposed stream realignments; and removal of references to lizards in proposed designation conditions.

⁸⁷ EIANZ guidelines for use in New Zealand: terrestrial and freshwater ecosystems, 2nd Edition, May 2018, Ecological Institute of Australia and New Zealand (EIANZ 2018).

- 312 In their s 53 comments, WDC considered the Substantive Application lacked sufficient detail regarding risk of bird strike in the areas of enhanced habitat and also lacked detail regarding the type of native vegetation proposed as mitigation.
- 313 In their s 53 comments CRC considered that relevant regional consents could be granted, subject to numerous changes to the proposed conditions. Key ecological issues raised by CRC were: undervaluing flora and fauna values and therefore underestimating the required extent of ecological offset; lack of surveys for non-vascular plants, terrestrial invertebrates, and Canterbury mudfish; lack of detail on the proposed southern lake ecological offset area. CRC also opposed the idea of deemed certification in consent conditions.
- 314 Fish and Game New Zealand's (FGNZ) s53 comments noted that the Quarry Lakes were gazetted as Coarse Fishing waters, with both tench and redfin present. FGNZ stated that they must be consulted prior to any salvage and relocation of these sports fish. It was also their preference that tench and perch remained in the lake and that fishing access was maintained. FGNZ accepted proposed CRC conditions relating to fish passage and erosion and sediment control.
- 315 Te Kōhaka o Tūhaitara Trust was established as an outcome of the Ngāi Tahu Settlement, and the Trust manages Tūhaitara Coastal Park, east of the Project. Ecological concerns raised in their s 53 comments included: potential hydrological effects on Tūtaepatu Lagoon; impacts of stormwater discharges to receiving waters; construction-phase disturbance of wildlife and habitat; and native restoration plantings that reflected the indigenous coastal ecosystems native to North Canterbury.
- 316 Allan MacDonald, a local resident and part owner of the Māori Reserve area proposed for the lizard relocation, opposed lizards being relocated to the reserve. His opposition appeared to be on the basis that lizards were already abundant within the relocation site, and he also had concerns about the ecological impacts of a predator-proof fence installed within the reserve.
- 317 Nicky Auld had concerns regarding the ability to offset effects on wetlands, streams, and threatened species such as Canterbury mudfish and bittern. Concerns were also raised about impacts on McIntosh's Drain, coastal wetlands, dune lands, pest fish escaping from the Quarry Lakes, and contaminated fill affecting waterways.

NZTA response to comments

- 318 NZTA responded to DOC's comments in Attachment 2 of their response bundle. Regarding the ability to remove coarse fish from the southern lake remnant, NZTA stated that the progressive filling in of the lake would remove any habitat available for coarse fish, and they confirmed that the infilling would be done under ecological supervision. Regarding impacts on common bully in the southern remnant lake, NZTA clarified that prior to filling in the lake they would salvage fish and relocate them to the adjacent Quarry Lakes, and that no further compensation for the loss of the bully population would be required.
- 319 Responding to DOC concerns about the scale of biodiversity offset, NZTA stated that this had been assessed within the EcIA and that the proposed conditions provided a mechanism to recalculate the offset. NZTA acknowledged that they would need to apply for additional approvals from DOC if they needed to access Project land through the Kaiapoi River reserve. NZTA was receptive to aligning the conditions of DOC and CRC

approvals, to avoid repetition. However, NZTA reiterated that they continued to seek deemed certification. Regarding lack of detail on proposed stream realignments, NZTA disagreed, stating that there was sufficient detail in the proposed conditions. Lastly, NZTA disagreed with DOC that reference to lizards should be reinstated in the Designation. That was because the survey work covered by the existing Designation condition had already been undertaken, with the results addressed in Volume 3J of the Substantive Application and considered as part of the Wildlife Approval application.

- 320 Regarding the potential presence of Canterbury mudfish and other threatened species, NZTA considered that the probability of these species being present was very low, on the basis of the habitats present, degree of flow permanence, and the lack of eDNA or other survey data indicating their presence in nearby waterways. However, NZTA further stated they would conduct a survey for Canterbury mudfish in a wetland referred to as 'WC_W6_NPSFM', noting that additional wetland habitat compensation would occur if mudfish were detected (these actions were proffered as consent conditions). Subsequently, NZTA provided a report by Tonkin & Taylor⁸⁸ describing the results of a dedicated survey for Canterbury mudfish in wetland 'WC_W6_NPSFM' conducted in May 2026. The survey found no Canterbury mudfish, or any other fish species in the wetland. The Tonkin & Taylor report recommended an additional mudfish survey in spring, and this is proposed as a condition of consent.
- 321 NZTA responded to WDC's comments in Attachment 4 of their response bundle. Considerable additional commentary was provided around bird strike risk and the proposed native species that would be planted to mitigate that risk.
- 322 NZTA responded to CRC in Attachment 5 of their comment response bundle. They provided a detailed response to CRC and ECan concerns that the extent of offset was too small because existing ecological values had been undervalued. In summary, NZTA considered they have used appropriate methods for calculating ecological value, by applying a standard Biodiversity Offsetting and Accounting Model (BOAM) approach. A key point made by the NZTA ecologists was that the existing affected habitats were highly modified, dominated by exotic species and diminished in value by their small size, and therefore require offset by the creation of a comparatively large area of habitat dominated by native species. Further details were also provided on the southern lake remnant offset area.
- 323 NZTA responded to Fish and Game in Attachment 1 of the comment response bundle. NZTA noted Fish and Game would be consulted prior to any fish salvage and relocation. Regarding public access for fishing, NZTA noted that prior to them purchasing the land it was private ownership and that they are not obliged to provide a public fishery. NZTA also noted that access to the remaining quarry ponds on private land is not their responsibility.
- 324 NZTA responded to comments from Te Kōhaka o Tūhaitara Trust in Attachment 1 of the comment response bundle. Regarding concerns about hydrological effects on Tūtaepatu Lagoon, NZTA deferred to the Hydrogeology Assessment (Volume 3K of the Substantive Application), where impacts on local hydrogeology and wetlands were anticipated to be negligible. Regarding stormwater impacts, NZTA noted that stormwater from the Project

⁸⁸ State Highway 1 North Canterbury—Woodend Bypass Project (Belfast to Pegasus) Canterbury mudfish survey of Waihora Stream - wetland complex. Letter from Patrick Lees of Tonkin & Taylor to Colm Harvey of Aurecon NZ Ltd, 5 June 2026.

would be treated to a high standard prior to discharge. Responding to concerns about construction phase effects, NZTA stated that effects were adequately addressed by proposed conditions, including the requirement for a Construction Air Quality Plan. Regarding proposed native planting, NZTA confirmed that the planting design incorporated an 'all-native' species palette, reflecting local ecosystems, with a requirement for eco-sourced species. NZTA further noted that 23 ha of native planting was proposed along the road corridor, in addition to the ecological offset areas.

- 325 NZTA responded to comments from Allan MacDonald in Attachment 1 of the comment response bundle. NZTA noted that his comments related to early works that were already authorised, so are not directly related to the current FTAA Application. They advised that a Wildlife Authority had been obtained from DOC, along with approvals from WDC, for these early works.
- 326 NZTA responded to comments from Nicky Auld in Attachment 1 of the comment response bundle. In summary, NZTA reiterated their assertion that ecological effects had been adequately considered in the Substantive Application and that residual effects were adequately addressed via proposed conditions, including ecological offsets.

Statutory Instruments

- 327 Statutory instrument provisions relevant to ecology were defined in the Substantive Application and include the following:
- (a) National Policy Statement for Freshwater Management (NPS-FM 2020, as amended in October 2024).
 - (b) National Policy Statement for Indigenous Biodiversity.
 - (c) Resource Management (National Environmental Standards for Freshwater) Regulations 2020.
 - (d) Canterbury Regional Policy Statement.
 - (e) Canterbury Land and Water Regional Plan.
- 328 We agree with NZTA's assessment of the statutory instruments relevant to ecology effects. We discuss these instruments further in Part G of this Decision.

Panel Findings

- 329 We find that potential ecology effects will be adequately avoided, remedied, mitigated, or offset, subject to the imposition of conditions of consent. Our reasoning in relation to the contentious matter of ecological offsetting follows.
- 330 A key ecological issue was the value and extent of the proposed ecological offset. The lack of sampling for Canterbury mudfish was a considerable oversight in the Substantive Application, because Canterbury mudfish have a Nationally Critical threat status and they occur in waterways nearby. However, the subsequent mudfish survey and proposed additional survey conditions have addressed this matter. Regarding impacts on other ecological values, we agreed with the tenor of NZTA's argument; namely that affected habitats are highly modified and their loss is adequately compensated by the total area and quality of ecological offsetting.

- 331 We discussed the 'deemed certification' of management plans in section E1 of this Decision.

Conditions

- 332 NZTA's revised conditions included additions and changes resulting from ongoing discussions between NZTA, CRC, WDC, and DOC. These have largely been adopted by the Panel in their draft conditions, except where modifications have been made to simplify or clarify condition wording.
- 333 The only material change we have made is in relation to the Ecological Offset Plan and associated conditions. In the Substantive Application, the Ecological Offset Plan refers to the area 'available' for offsetting impacts on wetlands, streams, and fauna habitat. No minimum offset area is proposed, but rather an indicative area that will be refined as construction designs are further developed. To provide greater certainty, we have altered the wording so that the actual areas of offset are committed to, rather than being assessed at a later point. Hence, we included conditions in the OTC consents that require offsetting of at least 2.6 ha of wetland, 0.19 ha of streambed and 2.5 ha of riparian planting, and 6 ha of lizard habitat.
- 334 We also included additional guidance text to the EMP regarding ecological offsets that was set out in Section 7 of the Tonkin & Taylor EcIA report, as these necessary details were not specified in Condition MP.8 regarding the contents of the Ecological Offset Plan.

E10 Hydrogeological Effects

- 335 NZTA addressed Hydrogeological Effects in section 6.6.11 of the Substantive Application Document and in the Volume 3 of the application prepared by Tonkin & Taylor Limited (T+T 2025)⁸⁹. That report set out that a range of temporary and permanent effects on site hydrogeological conditions could occur because of the construction and operation of the Project.
- 336 Temporary effects include:
- (a) Temporary partial loss of wetlands at Quarry Lakes and Waihora Stream due to earthwork within wetland extents and catchments;
 - (b) Short term dewatering (up to 30 days) to allow for construction of culverts;
 - (c) Potential aquifer mixing and impacts on groundwater quality from concrete installation associated with piling and ground improvements for bridge abutments at the Cam River Bridge, Williams Street interchange, Pegasus Interchange, and Woodend Beach Road;
 - (d) Risks associated with hazardous material storage at the construction storage area at Lineside Road in a community drinking water protection zone (cDWPZ);
 - (e) Excavation and dewatering of the Gladstone Road landfill; and

⁸⁹ Tonkin & Taylor 2025. State Highway 1 North Canterbury - Woodend Bypass Project (Belfast to Pegasus) Substantive Application - Hydrogeology Assessment 1095459 Rev E dated December 2025.

(f) Surface water takes for construction purposes.

337 In general, the temporary effects were considered by T+T to be of limited duration, highly localised and have adequate mitigation measures. Those measures included returning culvert dewatering discharges to surface waters, management of residual effects through development the Groundwater Management Plan (GMP), and managing the disposal of potential contaminated groundwater from the Gladstone Road landfill through a Contaminated Sites Management Plan (CSMP).

338 Permanent effects included:

- (a) Loss of wetland extent at Cam River and Waihora Stream and associated partial permanent loss to catchments at Cam River, Fullers Road, and Waihora Stream;
- (b) Ground improvements (stone columns) at Williams Street interchange and Woodend Beach Road which resulting in some aquifer mixing; and
- (c) Effects on groundwater from discharges from the stormwater systems (swales, cut-off drains, bio-retention basins).

339 Aquifer mixing effects were expected to be limited, localised and small scale in the context of the scale of the aquifers. Surface water discharge effects on groundwater were expected to be negligible. High-effect outcomes on wetlands were expected to be mitigated by the creation of ecological enhancement and wetland offsetting areas. We discuss that latter matter in section E9 of this Decision.

Comments Received

340 Te Kōhaka o Tūhaitara Trust raised the issue of potential groundwater effects on the spring fed Tūtaepatu Lagoon located approximately 1,400m to the east of the Project alignment. Their concern related to both the quantity of groundwater as an inflow to the lagoon and the quality of groundwater.

341 CRC provided technical review of the Hydrogeology and Groundwater resource effects⁹⁰. CRC generally found the dewatering assessment prepared by T+T to be *"...appropriate and acceptable for consent purposes and the input parameters reflective of anticipated site conditions and timeframes."*

342 CRC considered several matters remained outstanding including:

- (a) A justification for the adequacy of a 400m distance from proposed activities used to identify potential groundwater receptors;
- (b) A lack of clarity around how the design of permanent structures would mitigate leaching of contaminants from the surface to the underlying aquifers; and
- (c) The need for further assessment or revision if site conditions or timeframes differed from the modelling assumptions.

⁹⁰ s53(2)(a) Fast Track Approvals Act 2024, Technical Advice – Groundwater Resources, Mark Trewartha, Senior Scientist – Groundwater Resources Science, Water and Land Science, Environment Canterbury.

343 CRC also identified an incidental groundwater take issue related to passive interception of groundwater via subsoil drainage associated with stormwater infrastructure and noted that that would be considered a groundwater take under the CLWRP and so annual take volumes needed to be provided by NZTA.

344 Nicky Auld was concerned about the potential for groundwater contamination from backfilling of the quarry lakes. However, that activity was already consented as part of an early works package and so it is outside the scope of our considerations. Ms Auld also noted concerns relating to encountering shallow groundwater during construction works and the potential effects on groundwater due to dynamic compaction proposed for the quarry lakes causeway.

Response to Comments

345 The comments were addressed in tabulated responses provided by NZTA. No specific additional technical evidence was provided.

346 NZTA noted in response to TKTT that the overall effects on groundwater were very limited in magnitude and spatial distribution, diminishing to nil or negligible beyond 400m from the designation. At 1,400m from the designation (where TKTT concerns arise) NZTA expected there would be no effects on Tūtaepatu Lagoon.

347 NZTA provided responses to CRC as follows:

- (a) The 400m distance used for assessing potential receptors was initially based on Designation Condition 80a. The T+T Hydrogeological assessment also identified that *"...beyond 400 m from the road alignment, the effects on groundwater receptors such as groundwater users, surface water fed by groundwater and wetlands is expected to be negligible or nil (based on the assessments at closer proximity)."*
- (b) There was an incomplete source pathway and receptor linkage for contaminants at the surface to leach and migrate into the aquifer via the ground improvement structures because most of the ground improvements would be buried beneath the road in bankments; and
- (c) The Project's Groundwater Management Plan (GMP) provided for monitoring of groundwater levels and quality before, during, and after excavation works. It would also will include provision for review of modelled conditions against the site conditions observed during Site earthworks and excavation.

348 The requested annual volume for incidental groundwater takes was determined to be 42,900 m³/yr.

Statutory Instruments

349 Statutory instruments relevant to hydrogeology and groundwater effects were defined by T+T in their report and include:

- (a) The CLWRP.
- (b) National Policy Statement for Freshwater Management (NPS-FM 2020 as amended in October 2024).

- (c) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

350 We agree with T+T's assessment of statutory instruments relevant to hydrogeology and groundwater effects and we discuss those instruments in Part G of this Decision.

Panel Findings

351 Overall, we find potential hydrogeology effects will be appropriately avoided, remedied or mitigated, subject to the imposition of suitable conditions of consent. Those effects do not weigh against granting the approvals.

Conditions

352 The Panel's draft conditions include additions and changes resulting from post-lodgement discussions between NZTA and CRC. We made some minor amendments to simplify or clarify their wording.

E11 Earthworks, Stormwater and Flooding Effects

353 NZTA addressed stormwater and flooding Effects in Section 6.6.12 of the Substantive Application Document and in Volume 3A of the application (Aurecon 2025a)⁹¹ and Volume 3L of the application (Aurecon 2025b)⁹².

354 The Project traverses six major catchments: Kaitake River, Cam/Ruataniwha River, Quarry Lakes, McIntosh Drain, Waihora Stream and Paranaki Stream. The existing SH1 stormwater discharges are largely untreated and NZTA considered that the Project represented a significant improvement in stormwater management along the proposed Designation corridor.

Flooding and Stormwater Quantity

355 Aurecon prepared a flood model to assess the impacts of fill placement, new impervious areas, culverts, bridges and channel realignments.

356 The flood modelling relied on the existing WDC district wide flood model, which is used as an input to the detailed Project specific flood model. Greater detail is provided by the use of more Project specific LiDAR surveyed ground levels (which better defines channels) and provision of culverts that were not included in WDC's models. 100-year and 200-year ARI rainfall events were considered to align with the WDC model base case.

357 Without mitigation, elevated flood levels were identified near Main North Road, Woodend Beach Road, and Wards Road residential areas.

⁹¹ Aurecon 2025a. Belfast to Pegasus Motorway & Woodend Bypass Pre-implementation and MSQA Professional Services Construction Methodology Statement 11320-AUR-0350-PWI-GE-RPT-0003 Rev E, Prepared for New Zealand Transport Agency. dated 17 December 2025.

⁹² Aurecon 2025b. Belfast to Pegasus Motorway & Woodend Bypass Pre-implementation and MSQA Professional Services Stormwater and Flooding Assessment 11320-AUR-0350-PWI-SW-RPT-0003 Rev D, Prepared for New Zealand Transport Agency. dated 17 October 2025.

- 358 Aurecon indicated that the proposed mitigation package including the addition of, or upsizing of, culverts; flow diversion channels; localised storage and introduction of check dams or detention basins effectively eliminated adverse flood impacts on all habitable structures.
- 359 Any residual increases in flood levels were confined to existing drainage channels and floodplains or NZTA owned land, with no significant effects expected on adjacent properties.
- 360 Bioinfiltration swales and basins in the Quarry Ponds and Waihora Stream catchments were expected to promote infiltration close to the source, closely mimicking the natural hydrological regime.

Erosion, Scour and Channel Stability

- 361 Aurecon set out measures to mitigate erosion risk which included:
- (a) Riprap energy dissipation structures at culvert outlets designed to HEC-14 guidelines, with monitoring in place during early phase operation of the completed road; and
 - (b) Scour protection designed in accordance with the NZTA Bridge Manual, HEC-18, and HEC-23 guidelines for the Cam River crossing.
- 362 Realigned reaches of Waihora Stream and Teanaki Creek will maintain the existing channel geometry and function; with riparian vegetation planting proposed to address long-term stability.
- 363 Aurecon considered that overall erosion and scour risk was low. This was primarily attributable to the low-gradient, low-velocity nature of the catchments, despite increases in flow rate in some channels (most notably the Waihora Stream).
- 364 Aurecon described the overall long term residual flooding effects as negligible.

Stormwater Quality – Operational Phase

- 365 Aurecon indicated that Stormwater runoff from pavements would be treated in accordance with NZTA P46 and NZTA Stormwater Treatment Standards.
- 366 A range of long term treatment devices were included in the Project including grass-lined swales, bioinfiltration swales and basins, and bioretention swales and basins. These were anticipated to achieve 70–80% removal of suspended solids, 60–80% removal of heavy metals, and 20–60% removal of nutrients.
- 367 The portion of the road located south of Cam River, where the Project overlaps with the existing SH1 alignment, will incorporate major stormwater treatment upgrades compared to the current stormwater infrastructure with associated improvements in stormwater quality expected.
- 368 Within the historic landfill/HAIL site north of Gladstone Road, the realigned Waihora Stream channel will be managed to prevent mobilisation of contaminants.
- 369 Overall, Aurecon indicated that residual effects on water quality were less than minor.

Stormwater Quality – Construction Phase

- 370 Management of construction phase stormwater quality is largely addressed in the Construction Methodology Statement (Aurecon 2025b). This included
- (a) Use of perimeter controls and clean water diversions around work sites.
 - (b) Staging of earthworks and their progressive stabilisation.
 - (c) Stabilisation of site entrances and haul roads.
 - (d) Use of sediment retention structures.
 - (e) Site specific procedures for more sensitive areas and higher risk activities.
 - (f) Daily monitoring of controls and regular documented inspections to ensure effective operation of controls.
- 371 Aurecon indicated that any effects on the environment from the discharge of construction phase stormwater would be appropriately managed or mitigated, temporary and no more than minor.

Comments Received

- 372 WDC touched on matters relating to drainage and stormwater management in that these will need to be appropriately addressed to ensure there is no increase in effects from stormwater runoff and/or flooding on nearby properties. However, those matters are not identified as a key issue (as WDC are largely in agreement with the stormwater and flooding effects assessments as will become apparent below).
- 373 Te Kōhaka o Tūhaitara Trust expressed concern relating to stormwater discharges from the operational phase of the Project, including the potential for contaminants to discharge to surface water and groundwater and the risk of these contaminants eventually reaching Tātaepapa Lagoon.
- 374 Lay commentators raised concerns relating to flooding effects on properties on Woodend Beach Road⁹³ and Jens Road⁹⁴.
- 375 Chan and Anne Stokes (together, the Stokes) propose to urbanise land owned by them and located between Ravenswood and Waikuku, to the west of State Highway 1. They wished to ensure that NZTA's stormwater design did not "...rely on assumptions that the Gresson's Road Block will remain in rural use" and that the stormwater modelling allowed for "...cumulative and transitional urban development outcomes, including the shift from rural to urban land use contemplated by the District Plan".
- 376 CRC identified a range of concerns with the technical reporting prepared by Aurecon on the basis of technical advice prepared by Philip Claassens (Principal Civil Engineer – Beca Limited) and Minke Unwin, River Engineer (CRC). These included:

⁹³ Olivia Penrose

⁹⁴ Brenan and Carolyn Rhodes, Lance Dartnell, Katrina Morris, Daniel Paku.

- (a) That the substantive application did not provide sufficient detail on the stormwater management design and how the system connected to existing stormwater networks and waterways.
- (b) A range of issues with the Aurecon flood model, including a lack of validation of the model and a perceived need for peer review, issues with model extents, perceived lack of maximum probable development in catchments, and lack of shorter duration rainfall events.
- (c) That major bridges and large culverts should be peer reviewed.
- (d) Potential for stormwater runoff to discharge into the Gladstone Road landfill site.
- (e) Uncertainty in proposed measures to mitigate channel erosion and scour effects.
- (f) Issues with the effect of the increase in flow in the Whaihoru Stream and the reliance on infiltrative flows to mitigate those increases.
- (g) A lack of detail in the proposed conditions of consent relating to (among other things) water quality, attenuation, flood levels and mitigation of adverse effects.

377 CRC had been liaising with NZTA on these matters since lodgement of the Substantive Application and had been supplied more detailed reporting prepared by Aurecon that was not included in the Substantive Application. CRC recommended that the Panel request this information.

Response to Comments

- 378 The s 53 comments were addressed in the tabulated responses provided by NZTA and in expert evidence prepared by David Delegarza, Associate Engineer at Aurecon.
- 379 Mr Delegarza provided some additional detail on maximum probable development in the catchments, the basis for the flood model, and additional detail in the local model when compared to the WDM base model. He defended the outcome of the model, which he reiterated included several conservative assumptions (climate adjusted rainfall, high antecedent rainfall and a maximum probable development scenario).
- 380 Mr Delegarza also defended the extent of the model which did not include the section of SH1 south of the Cam River. The reasons for this were set out in depth in his evidence, where he justified using a displacement effects assessment for the zone of ponded water expected during flood events on the west side of SH1.
- 381 He acknowledged that the model and associated stormwater design resulted in increased flood depths, minor increases in extents and increased flow rates in some areas outside of the Designation, but they were expected to either be confined to NZTA owned (or to be acquired) land, limited to existing flood plains or contained within existing channels. Flood risk to existing dwellings remained largely unchanged.
- 382 Mr Delegarza also highlighted the beneficial outcomes of the flood modelling and design, which included reduction in flood impacts on a range of adjacent properties and habitable structures.

- 383 The Waihora Stream is identified by CRC as having significantly increased flow rates. While Mr Deleazarza acknowledged that this was expected to result in small increases in ponding frequency downstream of Woodend Beach Road (on NZTA land) and increased frequency of overtopping of Jelfs Road, *"...the modelling demonstrates that these changes do not result in adverse flooding effects on habitable buildings, materially increase flood hazard, or create channel erosion effects."*
- 384 While he remained of the opinion that a peer review of the flood model was unnecessary, due to the low risk nature of the outcomes, Mr Deleazarza noted that a form of validation of the model had already been undertaken with WDC who developed the underlying base model. He provided the documentation around this process in his Appendix B, which indicated that WDC were satisfied with the modelling approach.
- 385 Mr Deleazarza re-iterated the basis for the design of the stormwater conveyance and treatment systems (NZTA Stormwater management and minor stream diversion design [P46]).
- 386 He also noted the design basis for erosion and scour protection of bridges and large culverts (NZTA Highway structures design guide [2016]) and that because the culverts were level 3 and 4 structures the design document indicated *"...that design review can be undertaken as part of internal design review verification process and does not require independent peer review."*
- 387 With respect to bridge abutment protection Mr Deleazarza stated that *"Abutment protection riprap is proposed at the Carr River Bridge to mitigate potential erosion at the bridge abutments. It is noted that the design of abutment riprap protection follows straightforward design guidelines (HRC-23, DG 14) so is highly unlikely to change as a result of peer review."*
- 388 Mr Deleazarza agreed with CRC that changes should be made to the consent conditions and that some of these proposed changes would directly address some of the remaining areas of contention with respect to the stormwater design and flood modelling.
- 389 NZTA responded to the Kōhika o Tūhaitara Trust's concerns relating to stormwater treatment and design life noting that:
- (a) *"Runoff will be treated through land-based treatment within vegetated swales and ponds, recognizing the important role that bio and phytoremediation play in removing contaminants from stormwater. This standard will ensure that runoff is treated to a high standard."*
 - (b) *"As part of the State Highway network, stormwater treatment systems included as part of the Project will be subject to ongoing monitoring and maintenance in perpetuity. As future changes / upgrades are undertaken, stormwater treatment systems are regularly reviewed and upgraded as appropriate to current standards."*
- 390 Other responses to comments from lay commenters largely comprised a reiteration of the existing information presented within the Application, including:
- (c) *"Stormwater from the motorway will be captured in bio infiltration swales which will treat and infiltrate stormwater. This system will mitigate water quality"*

impacts to a high standard, as well as reduce impacts due to added stormwater in the catchment."

- (d) *"The proposed Woodend Beach Road culvert replaces an existing culvert and discharges water into the Waihora Stream, which is shown on Waimakariri District Council mapping as a current floodway."*
- (e) *"The increased culvert sizes for Waihora Stream are intended to facilitate flood drainage that otherwise would overtop roadways (i.e. Woodend Beach Road) that are being raised as part of the project."*
- (f) *"The stormwater management strategy within the Waihora Stream catchment areas includes swale features that are intended to capture, impound, and infiltrate stormwater in a distributed manner throughout the catchment, replicating the existing infiltration patterns of the land to the greatest extent possible. The design avoids directly connected impervious areas and returns flows to the existing floodways in multiple locations".*
- (g) *"The existing level of service issues, relating to overtopping of Beliefs Road during flood events in the Waihora flow path, are known to Waimakariri District Council."*
- (h) *"The levels identified in the assessment of flooding impact in the interdunal ponding area have not relied on any downstream discharge, and are therefore conservative."*
- (i) *"The model includes the sealed surface and altered drainage patterns. The model has considered effects for high flow events including 100- and 200-year ARI events. Additionally, the results shown in the flooding report consider the impacts for a high antecedent moisture condition, representing conservative flooding outcomes."*

391 NZTA noted that the Stokes Gressons Road Block site lies outside the boundaries of the project flood model, but that the base WDC model allows for urbanisation of the catchment. Flood flows from the base WDC model form an input to the project flood model.

Requests for Information and Responses

392 As we noted in Part B3 of this Decision, the Panel requested additional information from NZTA as set out in Minute 8 (dated 4 June 2026) and Minute 9 (dated 12 June 2026).

- (a) Minute 8 requested additional, more detailed stormwater and flooding design reporting that had been used in ongoing discussion between CRC and NZTA. This information was provided to the Panel by NZTA on 9 June 2026.
- (b) Minute 9 requested information for experts from both NZTA and CRC relating to the climate change representative concentration pathways (RCP) adopted by Aurecon in their flood models and the implications on the modelled outcomes if alternative RCP scenarios were adopted. Experts for NZTA and CRC provided responses on 15 June 2026.

Statutory Instruments

393 Statutory instrument provisions relevant to stormwater and flooding effects include:

- (a) The CLWRP.
- (b) NPS-FM 2020, as amended in October 2024.
- (c) NES-F.

394 We discuss relevant aspects of these instruments in Part G of this Decision.

Panel Findings

395 The larger part of the remaining disagreement between NZTA and CRC relates to the flood modelling. CRC maintain that the model has not been sufficiently well validated and therefore presents an unacceptably high residual risk of actual flood outcomes that are substantially worse than those currently presented. By contrast, NZTA maintain that the modelling is based on an existing WDC model for the area, with additional detail included and that a significant degree of conservatism is built into the model. WDC appear to be satisfied that the model is appropriate to assess any flooding effects.

396 The Panel have considered CRC's position on the uncertainties in the flood model in the context of the overall flood risk, the model outcomes, the defined levels conservatism in the flood modelling and the likelihood that significant change could result from a peer review of the model. On balance, we are satisfied that the flood modelling provides a sufficient level of detail and conservatism for our assessment of stormwater and flooding effects.

397 We consider that requiring an independent peer review would provide a de-facto mechanism by which effects could foreseeably be re-assessed in future, but enabling that to occur that is not aligned with our perception of the overall level of flooding risk and may stymie NZTA's ability to continue detailed design and early stage construction of the Project based on a granted suite of consents. Such an unduly onerous outcome would be inconsistent with the purpose of the FTAA. The Panel have therefore declined to include the independent peer review conditions sought by CRC.

398 With the impasse on the flood modelling addressed, the remaining matters become more readily resolved and we are of the opinion that they can be addressed by way of modifications and revisions to conditions of consent.

399 A number of lay commentators had specific concerns about the potential exacerbation of existing flooding of properties on Jelfs Road and of Jelfs Road itself.

400 The later version (Aurecon 2025c) of the flood assessment report prepared by Aurecon⁹⁵ and provided to the Panel in response to Minute 8, illustrates a reduction in flooding effects on Mr Paku's Property at 10 Jelfs Road. It also illustrates an increase in flood depth limited to 0-20 mm on non-NZTA land downstream of Woodend Beach Road. These flooding effects are largely limited to the Waihora Stream channel, noting Mr Delegarza's

⁹⁵ Aurecon 2025c. Belfast to Pegasus Motorway & Woodend Bypass Pre-implementation and MSQA Professional Services Flood Assessment Report 11320-AUR-0350-PWI-SW-RPT-0001 Rev B, Prepared for New Zealand Transport Agency, dated 19 December 2025.

evidence that there may be a small increased frequency of flood flows overtopping Jelfs Road. We note that the operational availability of the road itself in flood conditions is a matter for WDC who are satisfied with the flood modelling.

- 401 The flood assessment report also illustrates that the Project does not have an impact on the flood levels in Copper Beach Estate.
- 402 The Panel is satisfied that the flooding effects on commentors property are not significant and will be appropriately avoided, remedied or mitigated.
- 403 We consider that the response of NZTA to Te Kōhaka o Tūhaitara Trust provides sufficient certainty of outcomes, noting that some of the proposed changes to conditions addressed below should also capture these issues.
- 404 Overall, we consider that there is sufficient certainty and detail to allow a robust assessment of stormwater and flooding effects. We find that flooding and stormwater effects associated with the Project can be appropriately avoided, remedied or mitigated, subject to the imposition of appropriate conditions of consent. Consequently, those matters do not weigh against granting the approvals.

Conditions

- 405 NZTA's 15 May 2026 revised set of conditions included additions and changes made based on ongoing discussions between NZTA, CRC and WDC. These were largely adopted as the basis for the Panel's draft conditions, noting that we made changes to conditions that we consider are necessary to address any remaining areas of disagreement between CRC and NZTA.

E12 Hazardous Installations

- 406 NZTA addressed Hazardous Installations (or hazardous substance storage and use) in section 6.6.13 of the Substantive Application Document.
- 407 The Application suggested that the only hazardous substances that would be in use during construction or operation of the Project related to fuels, oils and lubricants needed to re-fuel construction plant and service construction equipment.
- 408 NZTA committed to only storing hazardous substances at the identified Construction Support Areas (CSA's) and that the use of those hazardous substances would be controlled by the provisions set out in the Construction Environmental Management Plan (CEMP). They also noted that hazardous substances would not be stored in any Community Drinking Water Protection Zone.

Comments Received

- 409 No specific comments were received that related to Hazardous installations or substances. However, CRC suggested a minor revision of proposed conditions of consent relating to hazardous substance storage and use, based on their discussions with NZTA. WDC proposed revision of the content of the CEMP, which included provisions relating to hazardous substances.

NZTA response to comments

- 410 No response was provided that directly addressed hazardous installations.

Statutory Instruments

- 411 Statutory instrument provisions relevant to hazardous installations include:
- (a) The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES:CS).
 - (b) The CLWRP.
- 412 We discuss those instruments of Part G of this Decision.

Panel Findings

- 413 We find that the potential effects related to hazardous installations will be appropriately avoided, remedied or mitigated, subject to the imposition of conditions of consent. Those matters do not weigh against granting the approvals.

Conditions

- 414 The Panel has considered the modifications to conditions sought by CRC and WDC relating to hazardous installations and substances and find them to be appropriate and they were included in the Panel's draft conditions set.

E17 Monitoring and Review

- 415 The conditions suites proposed by NZTA for the approvals contained a range of monitoring obligations.

Comments Received

- 416 WDC⁹⁶ were concerned about the proposed deletion of Designation conditions 100-103 which mandated Council-led auditing and site inspections. They understood the consequence was that compliance monitoring, environmental reporting and auditing would be moved entirely into the Construction Environmental Management Plan, creating a significant risk of self-regulation of construction stage and operational stage of the Project.
- 417 WDC advised that as part of recent consultation, NZTA has indicated agreement to the reinstatement of a separate monitoring condition relating to construction traffic management, construction noise and vibration, urban and landscape design and visual effects. WDC sought an additional condition enabling WDC to recover its actual and reasonable inspection costs.

NZTA response to comments

- 418 NZTA clarified that the intent of compliance monitoring in Designation condition 8(q) related to compliance checks by the Requiring Authority rather than WDC compliance monitoring. However, an advice note was added at the location of what as previously

⁹⁶ Luke Lee (Senior Compliance Officer at WDC).

condition 100 to address compliance monitoring (or inspections) undertaken by the WDC.

Statutory Instruments

- 419 No specific statutory instrument provisions were brought to our attention by commentators.

Panel Findings

- 420 In our view the monitoring obligations imposed by the proposed conditions attached to the various approvals required for the Project were generally comprehensive and robust. However, as discussed in the preceding effects assessment sections of this Decision, we considered additional monitoring would be beneficial regarding the placement of contaminated soil.
- 421 The additional monitoring that we consider appropriate is set out in the relevant conditions in the approvals.

Conditions

- 422 By and large, we were satisfied with the Designation conditions, although we amended condition 8(o) to clarify that environmental reporting would be to the WDC and Whitiōra. We amended the resource consent conditions relating to contaminated land as outlined above.

PART F: REGIONAL OR NATIONAL BENEFIT OF THE PROJECT

- 423 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*. As noted above in Part C of this Decision, s 81(4) FTAA specifically requires the Panel to consider the extent of the Project's regional or national benefits.
- 424 By way of context SH1 is NZ's principal north-south freight and passenger route, linking Christchurch (the South Island's largest economic centre) with Kaikōura, Marlborough, and the North Island via Picton.
- 425 The Project involves an upgrade to SH1 and is listed in Schedule 2 of the FTAA which is titled "Listed projects with significant regional or national benefits". Some might argue that the Project's inclusion in FTAA Schedule 2 axiomatically renders the Project as one having regional or national benefits. We make no finding that regard, but observe that NZTA provided an 'Economic Benefits Assessment' as Part 3M⁹⁷ of the Substantive Application (Property Economics 2025).
- 426 Property Economics advised that in July 2024 the Project was identified in the Government Policy Statement on land transport (GPS 2024) as a Road of National Significance (RoNS). It is one of only two RoNS projects identified for the South Island. That alone made the Project a significant project for the South Island road network.

⁹⁷ Belfast-Pegasus Motorway, Stage 2 Fast Track Economic Benefits Assessment, Property Economics, October 2025.

427 More specifically, Property Economics determined that the Project would:

- (a) Represent around 26% of the region's \$1.1 billion state highway-related investment over the ten-year period 2021 to 2030;
- (b) Provide a safer, more efficient, and resilient route for travellers on SH1 north of Christchurch. Travel time savings of between three (average) to ten (at peak) minutes per vehicle per day were predicted. Reduced congestion and improved journey reliability would strengthen inter-regional supply chains, enhance access to Christchurch International Airport and Lyttleton Port, and reduce the national economic friction associated with traffic delays and road safety risks. The Project would improve access to services and commercial hubs in Christchurch and the wider North Canterbury region;
- (c) Help future-proof regional infrastructure to accommodate growth associated with Greater Christchurch's spatial development and intensification strategies;
- (d) Reduce predicted deaths and serious injuries from 5.6 per year to 1.25 per year;
- (e) Reduce through-traffic in Woodend's town centre which was one of Canterbury's key transport bottlenecks. SH1 through Woodend currently accommodated around 21,500 vehicles/day, of which around 6% or 1,340 vehicles were freight. Bypassing Woodend would improve the township's urban amenity and enable the enhancement of pedestrian and cyclist facilities;
- (f) Unlock housing and urban development potential at Woodend, Ravenswood and Pegasus townships. In that regard North Canterbury has seen significant residential and commercial expansion and the Waimakariri District has emerged as one of the fastest-growing local authorities in NZ;
- (g) Benefit the regional and wider South Island economy, by improving transport times and reliability for freight and commercial vehicles. The increase in economic activity⁹⁸ generated within the Canterbury Region specifically attributable to the Project through spending on the general civil works and development yielded a net present value of \$275 million⁹⁹ over the Project's seven-year construction period;
- (h) Provide jobs associated with Project construction including direct employment over the seven-year construction period equivalent to 1,023 FTE years and indirect and induced employment equivalent to 1,338 FTE years. In its peak development year of 2030 the Project would contribute to an estimated 624 jobs within Canterbury; and
- (i) Be equivalent to around 14 years of average Canterbury construction sector growth, reflecting its significant impact on regional construction employment and activity.

⁹⁸ Property Economics advised that initial changes in spending as a result of the Project lead to larger, ripple effects throughout the Canterbury regional economy. These effects include direct, indirect, and induced impacts, reflecting changes in output, employment, income, and other economic variables.

⁹⁹ Using a 8% discount rate. For a 4% discount rate the NPV increases to \$320 million.

428 Property Economics concluded that that the Project would yield significant economic benefits for the regional and national economies and communities.

Section 53 Comments Received

429 The benefits of the Project were recognised and supported by Ministers of the Crown:

- (a) The Associate Minister of Transport (Hon James Meager) noted the Project would provide benefits in travel time reduction and safety improvements. He also noted the Project was an important part of the Government's investment in the roading network. Progressing the Project would benefit Canterbury residents and businesses, and would assist the Government's roll out of key infrastructure projects across the country;
- (b) The Minister for Infrastructure (Hon Chris Bishop) expressed support for the Project as it reflected the Government's economic growth and infrastructure priorities;
- (c) The Minister for Economic Growth (Hon Nicola Willis) noted the economic benefits identified by Property Economics and advised that the Project was expected to offer ongoing economic benefit to the Canterbury region and the country by improving land transport connectivity. The Minister considered that the Project's primary longer-term economic value arose from improved transport efficiency and network resilience of SH1;
- (d) The Minister for the South Island (Hon James Meager) noted the Project was expected to deliver improvements in safety and travel time reliability, and to support more efficient freight and passenger movement between Christchurch, North Canterbury communities, and the wider South Island. He also noted the economic benefit identified by Property Economics; and
- (e) The Minister for Regional Development (Hon Shane Jones) noted that the 2024 Government Policy Statement for Land Transport identified the proposed project as a PONS. He also noted the economic benefits identified by Property Economics albeit that the regional impact in the context of the Canterbury region might be considered modest. However, once operational, the Project would become an important asset to support Canterbury's future growth, enhancing freight efficiency and connectivity to support regional industries to access local and global markets.

430 CRC advised that the benefits of the Project as set out by Property Economics were not being questioned and that CRC had not undertaken a peer review of the Property Economics assessment.

431 WDC supported use of the FTAA for the Project, but did not otherwise comment on its benefits.

432 Some s 53 commentators¹⁰⁰ were concerned about the potential for the Bypass to become a toll road and the cost of the Project. Some lay commentators¹⁰¹ queried the

¹⁰⁰ Including Glenn Allsopp and Karla Allsopp, Hugh and Catherine Bramwell, Nicky Auld, Ravenswood Developments Ltd

¹⁰¹ Including Glenn Allsopp

projected time travel savings from the Bypass while others¹⁰² questioned the benefits of the Project. However, no expert opinion was provided in support of those lay concerns. Conversely other¹⁰³ lay commentators considered the Project would have significant benefits for all commercial and public road users.

NZTA response to comments received

- 433 NZTA acknowledged the support for the Project expressed by the Ministers for Economic Growth, Infrastructure, the South Island, Regional Development and Climate Change.
- 434 Regarding concerns about tolling, NZTA noted that tolling decisions were made under the Land Transport Management Act 2003 and were not a matter for the Panel to consider. For concerns about the Project benefits, NZTA reiterated, as set out in section 2.5 of the Substantive Application, the Project would have significant regional and national benefits, including significant travel time savings.

Panel Findings

- 435 Regarding concerns about the potential for the Bypass to become a toll road and the cost of the Project, we respectfully note those are matters for the Government to consider and are not relevant to our assessment. As set out in section 2.5 of the Substantive Application Report, the Project will have significant regional and national benefits, including significant travel time savings.
- 436 Having considered the comments received along with NZTA's response we find that the Project will yield significant regional and national benefits.

PART G: APPROVALS THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE RESOURCE MANAGEMENT ACT

- 437 This section sets out the statutory instruments that are relevant to the Panel's assessment in Parts D and E of this Decision. NZTA's Substantive Application listed what it considered to be the relevant statutory instruments. The Application provided an assessment of each of those instruments. We have carefully reviewed that assessment, and we generally concur with it, however, we provide our own assessments as follows.

G1: Decision-making criteria for consents under the RMA

- 438 The Substantive Application¹⁰⁴ set out the resource consents required under the NES:F¹⁰⁵, the NES:CS¹⁰⁶, the CLWRP and the CARP and the duration sought of each of these consents. This was summarised in Table 6.1 which we reproduce below.

¹⁰² Including Nicky Auld

¹⁰³ Including Phillip Jenkins

¹⁰⁴ Section 6.2.1.

¹⁰⁵ Regulation 45 regarding works within or in proximity to 17 natural inland wetlands; Regulation 46 regarding the clearing of vegetation within or in proximity to 17 natural inland wetlands; Regulation 57 regarding reclamation of the beds of the Waihora Stream, Taranaki Stream, Taranaki Stream Tributary and McIntosh Drain; and Regulation 71 regarding culverts.

¹⁰⁶ The Detailed Site Investigation (DSI) (Volume 3F) identified three confirmed HAIL activities within the Project Site and a number of additional potential HAIL activities where site investigations had not yet been undertaken.

Ref	Phase	Consent type	Duration
C1	Construction	Land use (s9) – earthworks and land disturbance	20 years
C2	Construction	Land use (s13) – structures and works in and over river and lake beds	20 years
C3	Construction	Water permit (s14) – take, use, divert and dam surface and ground water	20 years
C4	Construction	Discharge permit (s15) – discharge water and contaminants to land, water, and air	20 years
O1	Operations & maintenance	Land use (s13) – structures and works in river and lake beds	35 years
O2	Operations & maintenance	Water permit (s14) – take, use, divert and dam surface and ground water	35 years
O3	Operations & maintenance	Discharge permit (s15) – discharge water and contaminants to land, water, and air	35 years
NES-CS	Construction	Land use (s9) – land disturbance	20 years

439 Under the 'bundling' principle, and applying the most restrictive consent category, the consent applications are to be assessed as a discretionary activity.

440 In considering whether to grant the resource consents we must apply cls 17 – 22 of Schedule 5 to the FTAA. Clause 17 is primarily important:

17 Criteria and other matters for assessment of consent application

(1) For the purposes of section 87, when considering a consent application, including conditions in accordance with clause 18 and 19, the Panel must take into account, giving the greatest weight to paragraph (a),

(a) the purpose of this Act; and

(b) the provisions of parts 2, 4, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

(2) For the purpose of applying any provisions in subclause (1),—

(a) reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act;

441 As observed in *Waihi North*, the phrase "take into account" requires us to consider the identified matters and give them genuine consideration; rather than mere lip service, such as simply listing them and setting them aside.¹⁰⁷ In our view, as expressed in *Waihi North*, this can be best effected (and demonstrated) by considering all relevant aspects (including the purpose of the Act) first, but then only at the weighing up stage, give effect to the "greatest weight" requirement.

442 We understand that approach to be consistent with that advocated by counsel¹⁰⁸ for NZTA.

¹⁰⁷ *Royal Forest and Bird Protection Society of New Zealand Inc v New Zealand Transport Agency* [2024] NZSC 26.

¹⁰⁸ *Ibid*, paragraph 5.11.

443 Importantly cls 17(3) and (4) of Schedule 5 provide:

- (3) Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.
- (4) For the purposes of subclause (1), the Panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the Panel to decline the application the Panel is considering.

444 Again, as observed in *Waihi North*, reading cl 17(4) alongside s 85(4) means that when dealing with directive avoidance policies in planning instruments which might usually require the Application to be declined, we have instead adopted the approach of

- (a) taking into account that they would usually engage the “bottom line” approach taken in *King Salmon* and thus require an application to be declined¹⁰⁹; but
- (b) recognising and that they do not require the Panel to decline an application.

G2: Decision-making criteria for alterations to Designations

445 Section 18(3)(e) of the FTAA requires that we assess the Designation alteration in accordance with the process set out in clauses 24 and 25 of Schedule 5. Clause 24 is:

For the purposes of section 81, when considering a notice of requirement, including conditions in accordance with clause 25, the Panel must, giving the greatest weight to paragraph (a)(i),—

- (a) take into account—
 - (i) the purpose of this Act; and
 - (ii) the provisions of Part 8 of the Resource Management Act 1991 that direct decision making on an application for a designation (except section 170); and
 - (iii) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991; and
- (b) consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval

446 Section 17(1) of Part 8 of the RMA lists the relevant matters we must consider in allowing the requirement (which in this case is the alteration to the existing Designation), having particular regard to:

- (a) National policy statements, the regional policy statement and plans and proposed plans which we address in sections G3 and G4 of this Decision (s 171(1)(a)); and
- (b) As NZTA does not have an interest in the land sufficient for undertaking the work:
 - iii. whether adequate consideration has been given to any alternative sites, routes, or methods of undertaking the work (s 171(10)(b)(i);

¹⁰⁹ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* – [2014] NZSC 38; [2014] 1 NZLR 593.

- iv. whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought (s 171(1)(b)(ii)); and
- (c) Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement (s171(1)(d)).

Effects

447 We considered the effects of the Project in Part E of this Decision.

Alternatives

448 Section 6.4 of the Substantive Application set out the process that NZTA followed to consider alternative sites, routes and methods for the Project. Options for SH1 to bypass Woodend have been the subject of comprehensive investigations and public consultation for nearly 20 years. Various studies considered multiple options to address the traffic growth and associated vehicle safety and community severance issues including four-laning the existing SH1 corridor, a western bypass, an eastern bypass, a long eastern bypass and an interim (western) heavy-vehicle route.

449 The SH1 Belfast to Pegasus Investment Case (2024), reconfirmed the scope and suitability of the Project in light of updated growth forecasts, traffic modelling, and design standards. The Investment Case tested key elements of the Project design using updated traffic modelling and safety reviews for the Pegasus Interchange, the Quarry Lakes and the Cam River / Ruataniwha crossings.

450 Some commentators¹¹⁰ considered alternative solutions should be considered, such as an underground pedestrian tunnel in Woodend. In its s 55 response NZTA noted that the route for the Project was largely fixed in place by the existing Designation which was subject to an extensive consideration of alternatives. NZTA advised they also considered alternative sites, routes and methods for the alterations to the Designation being sought for the Project.

451 We are satisfied that NZTA has adequately considered alternatives.

Project Objectives

452 Counsel for NZTA advised that NZTA's objectives for the Project were to:

- (a) Improve travel time and reliability;
- (b) Reduce severance and improve accessibility; and
- (c) Improve the safety of the transport network.

453 Section 6.3.2 of the Substantive Application stated that alteration of the existing Designation was reasonably necessary and appropriate to achieve those objectives because:

¹¹⁰ Including Glenn Allsopp and Karla Allsopp

- (a) The alterations to the boundaries of the Designation enable additional parts of the Project;
- (b) The alterations to the Designation conditions will allow NZTA to more efficiently construct the Project;
- (c) The Project is consistent with the purpose of the existing Designation, so an alteration makes use of existing statutory approvals and avoids duplicating previous assessments;
- (d) An alteration provides certainty to the community and landowners of the nature and general location of the Project; and
- (e) The effects of the Project have already been assessed and managed under the existing Designation conditions. The relatively minor nature of the changes (to both the boundary and the conditions) means an alteration is consistent with the collaborative work undertaken to develop the original suite of conditions for inclusion in the OWP.

454 We are satisfied the work and alteration to the existing Designation are reasonably necessary for achieving NZTA's objectives.

G3: RMA Statutory instruments

455 Our starting point was to consider the assessment of those instruments that was set out in Section 6.7 of the Substantive Application and associated Volumes 2G and 2H. We next considered any assessments provided in the s 53 comments provided by the councils and the s 51 comments provided by RMC and HNZPT. We then considered any comments on the Application's consistency (or otherwise) with the instruments provided by various s 53 commentators.

National Policy Statements

456 Clause 17 of the RMA lists the National Policy Statements that we must take into account. Relevantly here these include:

- (a) National Policy Statement for Freshwater Management 2020 amended 2025;
- (b) National Policy Statement for Highly Productive Land 2022 (August 2024);
- (c) National Policy Statement on Urban Development 2020; and
- (d) National Policy Statement for Indigenous Biodiversity 2023.

National Policy Statement for Freshwater Management 2020 amended 2024

457 The NPS:FM sets out a framework under which local authorities are to manage freshwater (including groundwater).¹¹¹ The objective of the NPS:FM is to ensure that natural and physical resources are managed in a way that prioritises the:¹¹²

¹¹¹ NPSFM clause 1.5.

¹¹² NPSFM clause 2.1.

- (a) health and well-being of water bodies and freshwater ecosystems;
- (b) health needs of people (such as drinking water); and
- (c) ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

458 This objective reflects the hierarchy of obligations in Te Mana o te Wai¹¹³. Policies 1, 2, 3, 6, 7, 9 and 10 are particularly relevant¹¹⁴ to the Project. These provisions were addressed in Table 6.3 of the Substantive Application.

459 We acknowledge that s104(2F) of the RMA states “a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020)”. Nevertheless, for the sake of completeness and regarding Policy 1, we are satisfied that the Project will accord with Te Mana o te Wai, insofar as the activities have been identified and assessed to ensure that the health of freshwater and of the wider environment is prioritised and protected. Notably, NZTA has consulted with Whitiara as the mandated representative for Ngāi Tahu Tūāhuriri on consenting matters. This has informed option refinement, particularly the avoidance of effects on the Cam River / Ruataniwha.

460 Regarding Policy 2 we note that Whitiara have contributed to decision-making processes by providing high-level feedback throughout the development of the Project. That included monthly meetings and provision of a Statement of Cultural Values.

461 Policy 3 is that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis. NZTA’s hydraulic and flood modelling informed the design and sizing of culverts, bridges, stream realignments and stormwater storage requirements and the potentially upstream and downstream flooding effects of the Project.

462 Policy 6 seeks to ensure that there is no loss to the extent of natural inland wetlands and that their values are protected. NZTA has conservatively assumed that the Project will result in the unavoidable complete or partial loss of extent of five natural inland wetlands. However, clause 3.22 of the NPS:FM specifically provides for the loss of extent of wetlands and their values in certain circumstances, including for construction of specified infrastructure (which this Project is) where the criteria under 3.22 (b)(i) are met.

463 Regarding the 3.22(b)(i) criteria the Project is necessary for the purpose of the construction or upgrade of specified infrastructure and in Part F we concluded that it would have significant regional and national benefits. Based on our assessment in section G2 we are satisfied is a functional need for the Project to occupy a corridor between Belfast and Pegasus to achieve the Project’s objectives and in any case the location of the corridor is largely fixed by the existing Designation. As we noted in section E9, despite the absence of significant adverse effects, we are nevertheless satisfied that effects on wetlands will be managed in accordance with the effects management hierarchy.

¹¹³ NPSFM clause 1.3.

¹¹⁴ Policy 5 relates to the National Objectives Framework which is relevant to the role of the WRC. Policy 8 is not relevant as there are no outstanding water bodies identified within or directly adjacent to the Site.

- 464 Policy 7 seeks to ensure the loss of river extent and values is avoided to the extent practicable. We reach the same conclusion on that matter that we did for wetlands.
- 465 Policies 9 addresses the protection of the habitats of indigenous freshwater species. In section E9 we concluded that the Project would protect habitats of freshwater species through various measures, including improving fish passage, restoring more natural waterways when realigning streams to achieve no net loss.

Panel Finding

- 466 The NPS:FM does not weigh against granting the approvals sought.

National Policy Statement for Highly Productive Land 2022 (August 2022)

- 467 The NPS:HPL was addressed in section 6.7.3 of the Substantive Application. In summary we understand that assessment to be that most of the Project Site lies within the Rural Zone of the OWDP and that land contains LUC classes 2, 3, 4 and 6. LUC 2 and 3 land is predominantly located between Lineside Road and the Cam River, Ruatahewa Bridge, and along sections of the bypass alignment from Quarry Lake to Woodend Beach Road and from Gladstone Road to the Pegasus Interchange.
- 468 However, the Project is being undertaken by NZTA in relation to a Designation, there is a functional and operational need for the Project (which constitutes specified infrastructure), it minimises impacts on primary-production activities as far as practicable, productive land use can continue to operate around and up to the Project Site, and the Project is unlikely to give rise to any reverse-sensitivity effects on land-based primary-production activities in proximity to the Project Site.
- 469 Consequently, under NPS:HPL clauses 3.9(2)(h) and (j)(i) and 3.9(3) the use and development of the LUC class 2 and 3 land for the Project is not inappropriate and so it need not be avoided.

Panel Finding

- 470 The NPS:HPL does not weigh against granting the approvals sought.

National Policy Statement on Urban Development 2020

- 471 The NPS:UD seeks to ensure New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It is addressed in section 6.74 of the Substantive Application.
- 472 NZTA considers that the Project is part of the transport infrastructure required to support and unlock urban growth in the WDC area and wider Canterbury region. It would support planned further growth of Woodend, Ravenswood and Pegasus townships and may enhance public transport use by making the existing SH1 available as a local road.
- 473 In her s 53 comments the Minister for Economic Growth noted that elements of the Project might support a well-functioning urban environment.

Panel Finding

- 474 The NPS:UD does not weigh against granting the approvals sought.

National Policy Statement for Indigenous Biodiversity 2023

- 475 The Project's effects on terrestrial ecology from earthworks, land disturbance and vegetation removal are already largely authorised by the existing Designation. Consequently, we need only consider the NPS:IB with respect to terrestrial ecology within 10m of water bodies (the regional resource consents sought) and in the additional areas to be included in the Designation.
- 476 Importantly, neither the OWDP nor the POWDP identify any SNAs within, or within close proximity to, the Project Site. Nor are there any areas identified within the CRPS as areas of significant indigenous vegetation or significant habitat for indigenous fauna within or within close proximity to the Project site.
- 477 As set out in section 6.7.5 of the Substantive Application, NPS:IB clause 3.16 relates to indigenous biodiversity outside SNAs and requires significant adverse effects from new subdivision, use, or development on indigenous biodiversity to be managed by applying the effects management hierarchy. In this case the Project will not result in significant adverse effects on indigenous biodiversity in the terrestrial environment. Consequently, effects on indigenous biodiversity must be managed to give effect to the objectives and policies of the NPS:IB, rather than by strictly applying the effects management hierarchy.
- 478 The NPS:IB objectives and policies were assessed in Table 6.5 of the Substantive Application. We concur with that assessment, finding that while overall effects will be avoided or minimised to a low to very low level, due to residual moderate effects associated with the loss of 0.66ha of indigenous lizard habitat, compensation in the form of "lizard friendly" enrichment planting and habitat enhancement will be implemented.

Panel Finding

- 479 The NPS:IB does not weigh against granting the approvals sought.

National Policy Statement for Natural Hazards 2025

- 480 The NPS:NH has a single objective which is to manage the natural hazard risk to people and property associated with development using a risk-based proportionate response. For this Project the primary natural hazard risk is that associated with stormwater and flooding which we assessed in section E11 of this Decision.
- 481 The NPS:NH Policy 1 requires the natural hazard risk to be assessed using the risk matrix that is set out in Appendix 1 of the NPS.
- 482 NZTA's Substantive Application stated¹¹⁵ "*Flooding modelling has confirmed that the Project introduces changes to flow regimes, however, the proposed design will effectively address potential adverse flooding outcomes reducing any adverse effects to less than minor. The design consists of culverts, channel diversions, and localised storage. Any residual increases in water levels are confined to existing drainage features or NZTA property and do not result in material effects on third-party assets.*"
- 483 Our assessment in section E11 concurred with NZTA's assessment. Accordingly, we consider that the 'consequence level' of the stormwater and flooding risk associated with

¹¹⁵ Section 6.6.12.3

the Project is in the range of 'negligible' to 'minor'. Given the design of the stormwater infrastructure associated with the Project as summarised above, we consider the 'likelihood level' of that risk is in the range of 'possible' to 'unlikely'. The resultant risk is therefore in the range of 'low' to 'medium'.

- 484 NPS:NH Policies 3 and 4 require 'very high' natural hazard risks to be avoided and 'significant' natural hazard risks to be avoided or mitigated. The stormwater and flooding risks associated with the Project are neither 'very high' nor 'significant' and so those Policies do not apply here.

Panel Finding

- 485 The NPS:NH does not weigh against granting the approvals sought.

National Environmental Standards

- 486 Approvals for the Project are required¹¹⁶ under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES:F).

- 487 Also relevant are the:

- (a) National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES:CM);
- (b) National Environmental Standards for Sources of Human Drinking Water 2007 (NES:DW); and
- (c) Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2016 (as amended in 2020).

- 488 Regarding the NES:F we are satisfied that the Project meets the three conditions of NES:F Regulation (6) because:

- (a) As we concluded in part F of this Decision, the Project has significant regional or benefits;
- (b) There is a functional need for the Project to be located within the Designation boundary, including within proximity to natural inland wetlands; and
- (c) As we outlined in section E9 of this Decision, despite the absence of significant adverse effects on wetlands, the effects management hierarchy has been applied to natural inland wetlands.

- 489 As we noted in section E6 of this Decision, resource consent is required under clause 11 of the NES:CM for a discretionary activity for disturbing a piece of soil on a piece of land, that is not otherwise a permitted, controlled or restricted discretionary activity. In section E6 we concluded that the consent could be granted subject to conditions.

¹¹⁶ The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES ET) only apply to existing high voltage electricity transmission lines and so are not relevant here. The Preliminary Site Investigation undertaken confirmed that the Site has not been subject to any HAIL activities, and so the NES-CS is not relevant

- 490 As outlined in section 6.7.8 of the Substantive Application, there are six community Drinking Water Protection Zones within the Project Site, with resource consents to take water from wells within those zones held by WDC. As we noted in section E6 of this Decision, the wells take water from very deep confined aquifers and as such they will not be affected by the Project earthworks.
- 491 Under the Measurement and Reporting of Water Takes Regulations NZTA is required to keep records that provide a continuous measurement of the water taken under a water permit, including water taken in excess of what the permit allows (Regulation 6); electronically submit water use records to CRC (Regulation 7A); and have a suitably qualified person verify that the device or system that keeps records for a water permit is accurate (Regulation 7). We are satisfied those matters are addressed in the conditions of consent.
- 492 We observe that the Resource Management (National Environmental Standards for Air Quality) do not require consent for the Project, but the management of dust and any other discharges of airborne particulates associated with the construction of the Project will be appropriately managed.

Panel Finding

- 493 The relevant national environmental standards do not weigh against granting the approvals sought.

Planning documents recognised by a relevant iwi authority and lodged with the Council

- 494 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.¹¹⁷ The Whitiara Statement of Cultural Values records that the Mahaanui Iwi Management Plan (MIMP) provides policy direction on matters of importance to Ngāi Tahu. Rūnanga.
- 495 The Statement provided a volume assessment¹¹⁸ of the Project against the objectives and policies of the MIMP, acknowledging that the Designation is already in place. Notably Whitiara supports:
- (a) the proposal for compensation and off-setting of effects on wetlands, including the creation of new wetland habitat;
 - (b) riparian planting and restoration, particularly in relation to the Taranaki Stream, the tributary to the Taranaki Stream, Waihora Stream and McIntosh Drain;
 - (c) the Project's stormwater and run-off management methodologies;
 - (d) maintaining flow in waterbodies throughout construction;
 - (e) fish salvage and relocation and ensuring ongoing fish passage through culvert design; and

¹¹⁷ Schedule 5, clause 5(1)(h) and clause 5(2)(g).

¹¹⁸ Pages 19 to 26.

- (f) the opportunity for Ngāi Tūāhuriri, through its Cultural Advisory Group, to work with NZTA on landscape treatments, interpretation and artwork as anticipated by MIMP Policies CL1.8 and CL1.9 as means of mitigating unavoidable impacts on cultural landscapes.

496 Considering Whitiōra's stated support, we are satisfied that the provisions of the Mahaanui Iwi Management Plan do not weigh against granting the approvals sought.

497 Section 6.7.12 of the Substantive Assessment addressed the Ngāi Tahu Freshwater Policy 1999, noting that objective to protect waterbodies of high cultural significance cannot be achieved because the Designation crosses several Ngā Wai (waterbodies of particular spiritual significance). Consequently, mitigation and offsetting the effects on waterways has been proposed and as we noted above, that is supported by Whitiōra.

G4: Regional and District planning framework

498 NZTA briefly addressed the regional and district planning framework in section 6.7.10 of the Substantive Application and more fully in Volume 2G titled "Regional and District Objectives and Policies Assessment".

499 The approach that we have taken is to consider the assessments provided by NZTA and the commentators, and to determine if there were any relevant provisions that would materially weigh against approval of the Project.

Regional Policy Statement (CRPS)

500 In Volume 2G NZTA addressed the CRPS provisions relating to Land use and Infrastructure, Fresh Water, Ecosystems and Indigenous Biodiversity, Beds of Rivers and Lakes and their Riparian Zone, Historic Heritage, Air Quality, Contaminated Land and Hazardous Substances.

501 We find that the Project is generally consistent with the majority of those provisions insofar as it:

- (a) will support communities, by strengthening and helping to foster a more connected environment with improved accessibility;
- (b) reduce vehicle-related deaths and serious injuries along the existing alignment from 5.6 to 1.25 per year;
- (c) implement a ESCMP and EMP that appropriately manage works adjacent to watercourses and wetlands by way of a suite of treatment devices capable of removing contaminants (including total suspended solids, hydrocarbons, nutrients and heavy metals) with the aim being to minimise the discharge of sediment laden runoff and other contaminants to properties beyond the Site, or to watercourses and wetlands;
- (d) protect the values of areas of indigenous vegetation and fauna across the Project corridor (as identified in Application Volume 3I) by way of consent conditions and utilise planting with native species that would naturally occur within the Project area. That will enhance biodiversity, especially where vegetation removal is proposed;

- (e) manage effects on the beds of rivers and lakes rivers in accordance with the effects management hierarchy set out in the EcIA (Application Volume 3I). McIntosh Drain will act as a stream offset site for the permanent loss and modification of stream extent, habitat and natural character resulting from the permanent channel realignment of portions of the Waihora Stream, Taranaki Stream, Taranaki Stream Tributary and McIntosh Drain;
- (f) manage stormwater discharges through a combination of vegetated swales, bioinfiltration and bioretention basins, infiltration to ground, and treated discharges to watercourses;
- (g) provide fish passage for each of the culverts that will be located in riverbeds in accordance with condition 2(a) of Regulation 70 of the NES-F and as informed by the NZFPG;
- (h) minimize effects on groundwater from excavation and ground disturbance activities, including procedures for managing confined aquifer and artesian pressure in accordance with the GMP;
- (i) reflect NZTA's consultation with Whitiara such that, where possible, historic and cultural heritage sites will be avoided or otherwise protected. Conditions of consent include an Archaeological Site Protocol and Wahi Tapu, Wahi Taonga and Urupa Protocol, both of which form part of the ACSMP;
- (j) manage dust generating stockpile activities that are close to sensitive receivers using routine methods as required by the CAQMP;
- (k) utilise a CSMP that addresses contaminated land personnel training requirements, soil management procedures, accidental discovery protocols, contamination-related health and safety controls and incident management;
- (l) require discharges of dewatering water from the Gladstone Road Landfill and other HAZ sites to surface water to meet, after reasonable mixing, the receiving water standards for the relevant receiving water classification as set out in Schedule 5 of the CLWRP; and
- (m) include spill response procedures and protocols in a CEMP, ensuring hazardous substance storage and use occurs away from watercourses, wetlands and the six Community Drinking Water Protection Zones located within the Designation.

502 In terms of wetlands, the Project is not consistent with RPS Policy 9.3.5 because five wetlands will be unavoidably affected¹¹⁹ through complete or partial loss. However, in applying the effects management hierarchy NZTA has proposed that the loss of those wetlands will be offset by the creation of the southern remnant lake, providing 2.6 ha of new wetland habitat. We note that a range of water depths will be provided within the new wetland to support a diversity of wetland vegetation, habitat types and species. The wetland area will be fenced and managed for weeds and predators.

¹¹⁹ The location of the new highway corridor is largely fixed by the existing Project Designation.

- 503 Considering that offsetting, we find that the Project's impacts on wetlands are not so significant as to be out of proportion to the Project's regional or national benefits.

Canterbury Land and Water Regional Plan (CLWRP)

- 504 The Substantive Application stated that because the CRPS became operative ahead of the CLWRP, it can be assumed that the CLWRP was prepared to give effect to the CRPS. We accept that proposition and find that the Project is generally consistent with the majority of the relevant CLWRP provisions for much the same reasons as set out above in relation to the CRPS.

- 505 In addition, we are satisfied that:

- (a) the proposal to take up to 2,000 m³ of water per day from the Quarry Lakes is both reasonable and necessary for various construction-related purposes, including for dust suppression, fill compaction, and to support ecological and landscaping planting¹²⁰;
- (b) the GMP will outline suitable pumping rates and dewatering to manage volumetric loss intended to prevent localised land subsidence and other significant effects on the flows or levels of surface water¹²¹; and
- (c) flood flows in rivers will not be materially restricted¹²².

- 506 We find that the provisions of the CLWRP do not weigh against granting the approvals sought by NZTA and that any inconsistencies with those provisions are not so significant as to be out of proportion to the Project's regional or national benefits.

Canterbury Air Regional Plan (CARP)

- 507 Section 6.7.10.3 of the Substantive Application observed that the principal purpose of the CARP was to maintain air quality such that it provided for the cultural wellbeing and health of people. In that regard we note that while under the CARP the discharge of dust from unconsolidated surfaces can be undertaken as a permitted activity (subject to conditions, which NZTA is confident will be met), some discharges of dust from stockpiling activities may occur during construction. We are satisfied any such discharges will be suitably managed under the CAQMP using routine and well-proven methodologies.

Stakeholder Comments

- 508 In their 53 comments CRC helpfully advised that they considered the Project to be generally consistent with the relevant objectives, policies, and rules of the CRPS, CLWRP and CARP, as well as the NES-F.

- 509 However, CRC stated¹²³ that NZTA's policy assessment did not clearly demonstrate that freshwater quality would be maintained or improved, that the "avoid, minimise, remedy" hierarchy had been applied, and cumulative effects on receiving catchments were not addressed. CRC requested a freshwater outcomes and monitoring plan including

¹²⁰ Policy 4.65 on the efficient use of water.

¹²¹ Policies 4.76 and 4.76A regarding dewatering.

¹²² Policy 4.89 on activities in the beds of lakes and rivers.

¹²³ Table 2 Planning and Appendix 10 – Technical Advice Planning

baseline data, measurable indicators, thresholds and adaptive actions; and a brief cumulative effects summary. In response NZTA considered its policy assessment was proportionate, based on detailed assessments presented in the technical reports, and supported through reference to appropriate conditions, including the provision of a suite of management plans.

510 CRC also considered that *"... there is limited assessment against the objectives and policies of Chapter 6 of the Canterbury Regional Policy Statement (CRPS), which relates to the Greater Christchurch Metropolitan urban area, including Woodend/ Pegasus"*. CRC provided an assessment of the Project against Chapter 6 in Appendix 10 of its s 53 comments. In response NZTA stated they appreciated CRC's assessment and noted the Project achieved the integrated and efficient provision of regionally significant infrastructure and transport networks, consistent with the CRPS Chapter 6 policy framework.

511 CRC considered that any adverse environmental effects arising from the approvals sought by NZTA could be appropriately avoided, remedied, mitigated, or offset/compensated, subject to amendments to the conditions. In response NZTA noted there was broad agreement on the necessary consent conditions.

Operative (OWDP) and Partially Operative Waimakariri District Plan (POWDP)

512 The route alignment for the Project was designated in the OWDP in 2015. The Substantive Application quite reasonably does not revisit or reassess activities and associated environmental effects that were authorised by the existing Designation. Those activities include construction, maintenance and operational activities that may generate effects on the environment arising from earthworks, access and traffic generation, terrestrial ecology (outside of water bodies and their margins), noise and vibration, urban design and landscaping, and lighting.

513 The alteration to the existing Designation sought by NZTA relates to boundary changes required to accommodate the current design and provide a temporary construction support area. Numerous changes are sought to the Designation conditions, including achieving alignment with the proposed regional resource consent conditions.

514 The POWDP and the OWDP were assessed in Tables D and E of Application Volume 2G. Those assessments concluded that the Project was not inconsistent with the relevant provisions relating to Strategic Directions, Energy and Infrastructure, Hazardous Substances, Contaminated Land, Historic Heritage, Ecosystems and Indigenous Biodiversity, Natural Character of Freshwater Bodies, and Transport.

515 In their s 53 comments the WDC did not refer to any specific District Plan provisions.

516 We are satisfied that the provisions of the POWDP and the OWDP do not weigh against the alterations to the Designation sought by NZTA.

Panel's Overall Conclusion on the Regional and District Planning Framework

517 We have considered the assessments made by NZTA the comments made by WDC and CRC and NZTA's response to those comments.

518 We are not persuaded that a freshwater outcomes and monitoring plan or a cumulative effects summary is required to enable us to assess the effects of the Project.

519 Taking the matters identified by NZTA, WDC and CRC into account and weighing them in light of the mitigation and compensation measures secured through conditions of consent, and giving the greatest weight to the purpose of the FTAA (to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, which the Project undoubtedly is) as we are required to do, we find that any inconsistencies with the relevant provisions of the Regional and District Planning Framework are not so significant as to be out of proportion to the Project's regional or national benefits.

G5: Sections 104G, 105 and 107 of 2 of the RMA

520 Under s 104G we must have regard to the actual or potential effect of the proposed activity on a source of a drinking water supply that is registered under s 15 of the Water Services Act 2021. There are six Community Drinking Water Protection Zones within the Project designation, however as outlined in section E10 of this Decision, we are satisfied that the bores or wells in those Zones will not be adversely affected by the Project.

521 Section 105 requires us to have regard to:

- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
- (b) the applicant's reasons for the proposed choice; and
- (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

522 As described in section 6.7.14.3 of the Substantive Application, the Project involves both construction and operational discharges to land and water.

523 Construction stormwater discharges are unavoidable during earthworks and the receiving environment for them is the Project Site itself (largely the existing road corridor or highly modified agricultural land) and the watercourses which intercept the Project Site, to which there is no practical alternative. Discharges to natural inland wetlands will be avoided.

524 There is no alternative method of discharge or receiving environment for the Project's construction generated discharges of dust to air. Effects on sensitive receivers will be managed under the CAQMP.

525 Any reuse or excavated earth will be undertaken in accordance with the CSMP. Creating wetland in the southern remnant lake at the Quarry Lakes will require the placement of clean fill. There is no practical alternative method or receiving environment for that outcome.

526 Operational discharges involve stormwater and groundwater intercepted at the base of stormwater infrastructure. They will be managed using a combination of vegetated swales, biofiltration and bioretention basins, infiltration to ground, and treated discharges to watercourses. There are no practical alternative receiving environments.

527 Under s 105(2) of the RMA we must consider whether an esplanade reserve or esplanade strip is appropriate. In this case the areas to be reclaimed are small sections of streams that will be abandoned when the channels are realigned. As the reclamation is a result of realigning streams within the same land parcels and does not involve subdivision or

creation of any new land parcels, the establishment of esplanade reserves or esplanade strips is neither necessary nor appropriate

- 528 Section 107(1) restricts the granting of discharge permits in certain circumstances, if after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to certain listed effects in the receiving waters.
- 529 Construction related discharges of stormwater, dewatering water and cleanfill material to the southern remnant lake may give rise to the effects specified in s107(1)(d), namely a conspicuous change in colour or visual clarity of receiving waters. However, any such effects will be temporary, and we find they are not so significant as to be out of proportion to the Project's regional or national benefits.

G6: Part 2 of the RMA

- 530 Clause 5 (1)(g) of Schedule 5 of the Act requires an assessment of the Project against ss 5, 6 and 7 of the RMA. NZTA addressed Part 2 of the RMA in section 6.7.13 of the Substantive Application.
- 531 The purpose of the RMA set out in s 5 is to promote the sustainable management of natural and physical resources. We are satisfied that enabling the Project will promote social and economic wellbeing, both for the communities in Woodend, Ravenswood and Pegasus and the wider north Canterbury region.
- 532 In light of the preceding Parts of this Decision, subject to the imposition of conditions of consent that avoid, remedy or mitigate potential adverse effects, we are also satisfied the Project will safeguard the life-supporting capacity of air, water, soil and ecosystems.
- 533 In particular we find:
- (a) Sections 6(e), 7(a) and (aa) of the RMA are all relevant. They require the recognition of the relationship Māori have with their ancestral lands, water, sites, wāhi taonga and other taonga, as well as having regard to kaitiakitanga. Considering our assessments in Part D and section E2 we are satisfied that will be the case.
 - (b) Taking into account our assessments of effects in Part E, we consider that the Project is not "inappropriate development" in the context of s 6(a). Conditions of consent will preserve the natural character of wetlands, rivers and their margins to the extent appropriate and practicable. Consent conditions will also enable areas of indigenous vegetation and habitats of indigenous fauna to be protected to the extent practicable within the operational constraints of the Project (s 6(c)), and regard has been had to the intrinsic values of those resources (s 7(d));
 - (c) The Project does not reside within an ONF or ONL (s6(b)). Effects on the natural character and landscape within the Project will arise, as will effects on the amenity values of some people who may view the Project works (s7(c)), but amenity values will also be enhanced because of the proposed landscape and ecological planting, including wetland creation and stream restoration;

- (d) In terms of other more localised s7(c) amenity matters, where NZTA activities are not permitted, the conditions of the approvals will impose suitable limits on noise, lighting and dust;
- (e) Effects on historic heritage (except for archaeological sites) are already authorised by the existing Designation. While the Project will unavoidably affect some archaeological sites (s 6(f)), appropriate Archaeological Authorities have been sought; and
- (f) Risks from natural hazards and climate change will be managed by appropriately sizing of culverts, bridges, stream realignments and stormwater infrastructure based on flood modelling, with allowances for climate change; and the design of bridge and major culverts in accordance with the Project's seismic resilience philosophy (s 6(h) and 7(i)).

Panel Finding

- 534 As summarised above, because of the conclusions reached on the effects of the Project and in the context of the relevant provisions of the statutory instruments and the imposition of appropriate consent conditions, we find that the Project is consistent with Part 2 of the RMA.

G6: Decisions on resource consents

- 535 In light of our adverse effects (or impacts) assessments in Part E, our findings on the statutory instruments set out in this Part G, and the circumstances whereby a Panel must or may decline an Application as described in s 85 of the FTAA (none of which apply here), we find there are no grounds for declining the resource consents sought for the Project.

- 536 Consequently:

- (a) the resource consents sought from Canterbury Regional Council under the Resource Management Act and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 are granted subject to the conditions set out in Appendix C; and
- (b) the land use consent sought from Waimakariri District Council under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 is granted subject to the conditions set out in Appendix C.

G7: Decision on Designation amendments

- 537 In light of our adverse effects assessments in Part E, our findings on the statutory instruments set out in Part G, and the circumstances whereby a Panel must or may decline an Application as described in s 85 of the FTAA (none of which apply here), we find there are no grounds for declining the alterations sought to the existing Designation for the Project.
- 538 Consequently, existing Designation D058A is altered as sought and the conditions of Designation D058A are amended as set out in Appendices E and F.

PART H: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE WILDLIFE ACT

- 539 NZTA has sought a Wildlife Approval under the Wildlife Act 1953 and section 42(4)(h) of the FTAA to salvage (catch alive) and relocate lizards from habitat in the Project area and to undertake post-release monitoring in lizard relocation sites for a duration of 20 years, including incidental killing.
- 540 The Approval sought applies to the "Package 2" area of the Project, namely that area not already addressed by Wildlife Approval 119946-FAU ("Package 1") for early works. Section 7 of the Substantive Application summarises the Package 2 activities as being lizard salvage and relocation led by a suitably qualified person, using methods consistent with DOC's Inventory and Monitoring Toolkit. The primary relocation site for lizards is given as Barkers Road on NZTA land beside the southern remnant lake, with a contingency site being adjacent NZTA owned land (Barkers Road Lot 3 LR 423,96)¹²⁴. The Wildlife Approval Report notes that the contingency relocation area may be needed if more than 1,500 lizards are salvaged from Package 2, as that would exceed the carrying capacity of the primary Barkers Road relocation site.
- 541 The criteria for determining the Wildlife Approval application are set out in clause 5 of Schedule 7 to the FTAA which provides:
- For the purposes of section 81, when considering an application for a wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—
- (a) the purpose of this Approval;
 - (b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and
 - (c) information or requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).
- 542 The purposes of the Wildlife Act include the protection of species and particular populations of wildlife that are at risk. Clause 5(c) of Schedule 7 refers to the NZ Threat Classification System. This is a national system that assesses the conservation status of species found in the wild in New Zealand.
- 543 DOC provided a s51 report on the Wildlife Approval application¹²⁵ and concluded that the proposed activities were consistent with the purpose of the Wildlife Act. Four key points of consideration given for the Panel were:
- (a) that herpetologists should be named on the Wildlife Approval;
 - (b) undervaluing of habitat quality leading to inadequate offsetting;

¹²⁴ We note that the original contingency site was Kaiapoi Lakes Reserve, beside the Package 1 relocation area

¹²⁵ Section 51(2)(c) wildlife approval report for FTAA-2512-1157 State Highway 1 North Canterbury – Woodend Bypass Project (Belfast to Pegasus), 15 April 2026.

- (c) that DOC disagrees with deemed certification of management plans; and
- (d) DOC requested an Approval term of 10 years, rather than the 20 years sought by NZTA.

544 Turning to each of DOC's points, the Panel notes that herpetologists were named in Schedule 1 of the updated Approval conditions provided by NZTA. Regarding the habitat values affected by the Project, as noted in section E9 of this decision, we agree with NZTA's assessment that affected habitats are highly modified and their loss is adequately compensated by the total area and quality of ecological offsetting proposed across the Project. We addressed the matter of deemed certification in section E1 of this Decision and our findings in that regard apply to the Wildlife Approval. Regarding the term of the Wildlife Approval, we find it is appropriate to grant the Approval for 20 years as sought by NZTA, to align with the term sought for construction phase consents. We note that NZTA has proposed a condition requiring a review of the Lizard Management Plan (LMP) after 10 years, which we have accepted as a condition in the Wildlife Approval. We duly specify the term as 20 years commencing on the date of this decision, with the expiry date being 20 years hence.

545 In their s51 report DOC noted a preference for finalising the LMP prior to the Panel issuing its draft decision. DOC provided feedback to NZTA on the updated LMP on 15 June 2026 and NZTA provided a final version to the Panel on 17 June 2026. We have attached the 17 June 2026 LMP to the Wildlife Approval and have amended the Schedule 3 conditions accordingly.

PART I: AN AUTHORITY THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE HERITAGE NEW ZEALAND POLYMER TAONGA ACT

546 As we noted in section E8 of this Decision, NZTA sought five Archaeological Authorities to modify and/or destroy both current identified and unknown archaeology within the Project Site for a duration of 20 years. These Authorities are in addition to those already held by the NZTA for enabling works activities.

547 The Authorities were grouped into five separate applications because NZTA did not own or have landowner consent for all the affected properties when the Substantive Application was lodged. No consent was sought from landowners as NZTA anticipated all properties would be in NZTA ownership by the time construction commenced. The five groupings of properties were identified in Application Document Volume 1D Schedule 4.

548 In considering whether to grant an Archaeological Authority that would otherwise be applied for under the HNZPT Act we must apply clauses 4 and 5 of Schedule 8 to the FTAA. Clause 4 states:

4 Criteria for assessment of application for archaeological authority

- (1) For the purposes of section 81, when considering an application for an archaeological authority, including conditions in accordance with clause 5, the panel must take into account, giving the greatest weight to paragraph (a),—
 - (a) the purpose of this Act; and
 - (b) the matters set out in section 59(1)(a) of the HNZPT Act; and
 - (c) the matters set out in section 47(1)(a)(ii) and (5) of the HNZPT Act; and
 - (d) a relevant statement of general policy confirmed or adopted under the HNZPT Act.

- (2) For the purposes of subclause (1), the provisions of the HNZPT Act referred to in that subclause must be read with all necessary modifications, including that a reference to Heritage New Zealand Pouhere Taonga must be read as a reference to the panel.

549 The Schedule 8 (cls 2) information for archaeological authorities is set out in Part 8 of the Substantive Application.

Comments Received

550 We discussed the comments received from HNZTP and Whitiara in section E8 of this Decision.

551 Notably NZTA sought approval for Dr Jeremy Habberfield-Short to undertake the activity under the Archaeological Authorities, in accordance with clause 7(2)(a) of Schedule 8 of the FTAA. In their s 51 report HNZTP advised that they reserved their position on that matter, subject to receiving additional information in relation to his skills and competencies. In their s53 comments HNZTP opposed Dr Habberfield-Short's approval.

NZTA Response to Comments Received

552 We discussed NZTA's response in section E8.

Panel Findings

553 The Panel must undertake an assessment of the effects of the Project on the values of the archaeological sites. In that regard we were guided by the s 51 advice provided by HNZTP and the s 53 comments received from HNZTP and Whitiara. As noted in section E8, we are satisfied potential impact on the values of the archaeological sites will be appropriately managed.

554 We acknowledge NZTA's withdrawal of the s 45 approval sought for Dr Habberfield-Short and note that under condition 5 the Authorities cannot be exercised until a person to undertake the work required has been approved in writing by HNZTP under s 45 of the HNZPT Act. We understand that will occur later outside the FTAA process.

555 Regarding the ACSMP, we have retained condition 2 in the Authorities which requires the ACSMP to be prepared and certified by HNZTP. We have however omitted NZTA's deemed certification clauses.

556 As we noted in section E8 of this Decision, HNZTP recommended granting the Archaeological Authorities, as did Whitiara. Consequently, we grant the Archaeological Authorities subject to conditions that set out in Appendix G. Importantly in our view, those conditions appropriately reflect the views of Whitiara and HNZTP.

PART J: AN APPROVAL THAT WOULD OTHERWISE BE APPLIED FOR UNDER THE FRESHWATER FISHERIES REGULATIONS

557 The Project involves the installation of permanent and temporary culverts and the permanent realignment of the Waihora and Taranaki Streams and a Taranaki Stream tributary. Those activities may, respectively, fall under clauses (a) and (c)(i) of the definition of a "complex freshwater fisheries activity" (CFFA) in section 4 of the FTAA.

558 NZTA sought approval for these activities on a conservative basis¹²⁶.

559 In considering whether to grant the CFFA approval, we must apply clauses 5 and 6 of Schedule 9 to the FTAA. Clause 5 is primarily important, and it provides:

5 Criteria for assessment of applications for complex freshwater fisheries activity approval

For the purpose of section 81, the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act; and
- (b) the alignment of the proposed activity with best practice and the New Zealand Fish Passage Guidelines; and
- (c) how the proposed activity will manage risks to freshwater values or habitat, including prevention of access to or spread of invasive species; and
- (d) the availability and quality of the habitat upstream and downstream of the proposed activity; and
- (e) the presence of threatened, data-deficient, or at-risk species under the New Zealand Threat Classification System in the vicinity of the proposed activity; and
- (f) the advantages and disadvantages of providing fish passage upstream or downstream of the proposed activity.

Comments Received

560 DOC commented on the CFFA approval in its s 53 comments, advising that the conditions in a CFFA approval and the regional consent would need to be developed together so they would not overlap. DOC provided its view on what the CFFA approval conditions should be¹²⁷.

561 DOC's suggested CFFA approval conditions included the preparation of a Native Fish Management and Monitoring Plan (NFMMP), the purpose of which would be to minimise effects on native freshwater fish prior to and during any required stream works or works in a natural wetland that provides habitat for native fish.

NZTA's response to comments received

562 As part of its s 55 response NZTA provided possible CFFA conditions¹²⁸ that duplicated resource consent conditions C2.10 and M.8(j) to (m). However, NZTA reiterated that the Substantive Application had not proposed specific CFFA approval conditions because the Project could not prevent fish passage. Furthermore, NZTA considered that the conditions proposed for the regional consents would effectively manage effects on fish, because

- (a) Condition C2.10 required fish passage through culverts, with initial written confirmation that the culverts had been installed correctly, and inspection by a SQP within 1 year of installation to confirm that fish passage had been maintained;

¹²⁶ See section 9.1 of the Substantive Application.

¹²⁷ DOC's Attachment D.

¹²⁸ NZTA's Attachment 11.

- (b) Condition MP.8(j)-(m) required the inclusion of protocols, guidance and approaches relating to fish management within the Ecological Management Plan which would be certified by CRC; and
- (c) Condition O1.3 required culverts be maintained to ensure fish passage did not reduce.

563 NZTA advised that they had suggested¹²⁹ to DOC that resource consent Condition C2.10 could be replicated on the CFFA, with written confirmation provided to DOC.

564 However, NZTA did not support DOC's suggestion that a separate NFMMP be prepared because the matters identified by DOC for inclusion in the NFMMP were already addressed in the fish management components of the EMP. NZTA noted the EMP would be prepared by suitably qualified experts and thereafter certified by CRC. Nevertheless, NZTA suggested a new condition could be imposed that requires NZTA to provide the fish management components of the EMP (Conditions MP.8(j)-(m)) to DOC for comment before providing the EMP to CRC for certification

565 NZTA noted that resource consent was also being sought under the NES-F because the Project's culverts did not meet all the permitted activity conditions for culverts set out in NES-F Regulation 70.

Panel Findings

566 We are conscious of our obligation to give the greatest weight to the purpose of the FTAA which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. We are also conscious of the requirement in s 83 of the FTAA to not set conditions that are more onerous than necessary to address the reasons for which they are set.

567 The reason for setting separate CFFA approval conditions would be to ensure permanent fish passage through the Project's culverts and realigned streams. We agree with NZTA that those matters are adequately addressed by resource consent conditions O1.3, C2.10 and C2.11. Duplicating those conditions in a separate CFFA approval document would not be an efficient way of facilitating the delivery of the Project.

568 We consider that the CFFA approval monitoring conditions recommended by DOC are unduly onerous given the availability and quality of the habitat upstream and downstream of the culverts in the waterbodies under consideration here. The configuration and inspection requirements of conditions C2.10(b) and C2.10(c) are adequate to ensure that fish passage is provided and permanently maintained in the Project's culverts.

569 Consequently, having considered the requirements of clause 5(e) of Schedule 9 of the FTAA, we are satisfied that the CFFA should be granted. However, we are not persuaded that it is necessary to issue a separate suite of conditions in a standalone CFFA approval document. Instead, we have amended resource consent condition C2.10 to refer to Regulation 42 of the Freshwater Fisheries Regulations 1983 and for the information

¹²⁹ By way of an email dated 24 March 2026.

required by resource consent conditions C2.10(b) and C2.10(c) to be provided to DOC as well as CRC.

570 We have similarly amended condition C2.11 (which refers to the diversion and realignment of the Waihora Stream, Taranaki Stream, and Taranaki Stream tributary) to refer to Regulation 43 of the Freshwater Fisheries Regulations 1983. While it was evident to us from the contents of condition C2.11 that the realigned streams would not impede fish passage, we have nevertheless inserted an additional requirement to provide 'permanent fish passage' and note condition C2.11(a) already refers to the New Zealand Fish Passage Guidelines.

571 Condition MP.8(k) refers to providing temporary fish passage where on-line in stream works cannot be avoided. However, we do not see a need for the EMP to be provided to or be certified by DOC, because conditions M.8(j) to (m) primarily address fish salvage and relocation during construction and understandably do not refer to permanent fish passage, given that matter is adequately addressed by conditions C1.3, C2.10 and C2.11.

572 In saying that, we also note that the NFMMP sought by DOC addressed wetlands, whereas the Freshwater Fisheries Regulations do not refer to wetlands. In that regard we are satisfied that the resource consent conditions¹³⁰ are adequately protective of wetlands, including by way of the proposed Ecology Residual Effects Management regime.

PART K: OTHER CONSIDERATIONS

International Convention on Biological Diversity

573 New Zealand is a party to the International Convention on Biological Diversity (CBD), known informally as the Biodiversity Convention. It is a multilateral treaty with three main goals: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of benefits arising from genetic resources.

574 As a party to the CBD, New Zealand is required to have a National Biodiversity Strategy and Action Plan (NBSAP). This strategy sets out our national contribution to reversing the loss of biodiversity worldwide. In 2020, the New Zealand Government launched Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 (ANZBS). This is New Zealand's national biodiversity strategy and has been submitted to the CBD. The strategy sets out a strategic framework for the protection, restoration and sustainable use of biodiversity in New Zealand. It covers the period from 2020 to 2050 and focuses on indigenous biodiversity.

575 DOC's s 51 report for the Wildlife Authority advised that the Application seeks to salvage and relocate resident lizards from the effects of works to establish the Project. The proposal to salvage lizards and enhance lizard habitats at the relocation sites should provide a level of protection of biodiversity from the adverse effects of the development.

¹³⁰ Including C1.7, C1.14, C1.20, C1.28, C1.29, C4.9, MP.7(a), MP.8(f) to (i), MP.10(d), EM.2(b) and EM.4.

PART L: OVERALL APPROACH

L1: General Comments

576 Many of the potential adverse effects of the Project are typical of those associated with large scale roading projects. These effects (or impacts) are all addressed in Part E of this Decision.

577 While the effects of the Project were the subject of comments, we consider they were, in general, adequately addressed by NZTA's technical assessments, the technical peer reviews undertaken by the councils and DOC, and the extensive and comprehensive conditions proposed by NZTA for the Designation, the resource consents and the other approvals.

L2: The principal issues that were in contention

578 As already noted, in Part E of this Decision we assessed the various potential effects of the Project. We consider that the principal issues in contention were:

- (a) Deemed certification of management plans;
- (b) Transport effects;
- (c) Stormwater and flooding effects; and
- (d) Ecological effects.

L3: Our main findings in relation to these issues

579 In short, the Project will generate significant regional and national benefits. Those benefits will come with some adverse impacts, but those impacts are not so great as to be out of proportion to the benefits.

580 More specifically, the Panel's main findings on the principal issues in contention are:

- (a) We accept that the provision of management plans as part of the Designation's Outline Plan process is a legitimate and acceptable approach. Regarding the other approvals requiring management plans, while we accept that 'deemed certification' conditions may have been imposed on the approvals for other projects, we find that would not be appropriate here. Instead, we adopt the approach recently used in the Waihi North FTAA approvals of inserting an advice note to address the certification process, including an indication that certification must not be unreasonably withheld or delayed, and certification or a response from the certifying agency is expected to take no longer than 30 working days.
- (b) Transport effects were already authorised by the existing Designation and were not within the scope of our consideration, except for the minor areas of the enlarged Designation footprint. We acknowledge the concerns expressed by Foodstuffs and Ravenswood Developments Ltd regarding the Bob Roberston Drive / Garlick Street intersection at Ravenswood but note the modelling of that intersection for the purpose of future local network planning is being led by WDC.
- (c) Stormwater and flooding effects have been adequately investigated and modelled by NZTA, resulting in a robust assessment of stormwater and flooding effects. Consequently, there is no need to require a peer review of NZTA's stormwater

model, noting that WDC (whose stormwater network will be directly impacted by the Project) were satisfied with NZTA's assessment of effects on that network.

- (d) Potential ecology effects will be adequately avoided, remedied, mitigated, or offset, subject to the imposition of conditions of consent. We consider the affected habitats are highly modified and their loss is adequately compensated by the total area and quality of ecological offsetting.

L4: The relevance of the FTAA decision-making criteria

581 We acknowledge and agree with the Panel findings in Waihi North¹³¹ that FTAA decision-making criteria are, in some respects, distinctly different from those that would otherwise have been applicable. Consequently, our Decision to grant the approvals sought does not depend upon the Project being consentable outside of the FTAA. We also note:

- (a) The heavy emphasis in the Schedules on the purpose of the FTAA;
- (b) The way in which s 85(3)(b) is expressed; and
- (c) The prohibition in s 85(4) from concluding that the 85(3)(b) threshold has been met "solely on the basis" of inconsistency with a statutory provision or document that must be taken into account or considered.

582 In light of these FTAA criteria, and for the reasons given in Part E of this Decision and earlier in this Part, we conclude that the conditions we have imposed on the various approvals mean that the potential adverse environmental impacts of the Project will be avoided, remedied or mitigated (and/or offset or compensated for) to the extent that they will be no more than minor or otherwise acceptable. They therefore do not weigh against granting the approvals. That would also be at least substantially so even if, and contrary to our view, implementation of the Project was not completely consistent with the objectives and policies of all relevant planning instruments.

L5: Overall Decision

583 We grant the approvals sought and impose the conditions set out in Appendices C to I.

PART M: CONDITIONS

M1: FTAA and General Requirements

584 Section 81 of the FTAA provides that the Panel must set out any conditions to be imposed on the approvals. Section 83 of the FTAA must be complied with and provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

M2: NZTA's Proposed Conditions

585 As part of the Substantive Application, NZTA included a suite of conditions for each of the approvals sought, including the Altered Designation.

¹³¹ Ibid, Part M, paragraph 9.

586 On 15 May 2026 NZTA provided revised suites of annotated conditions as part of their
 s 55 response to the s 51 reports and s 53 comments that had been provided by the
 various parties. NZTA's 15 May 2056 annotations helpfully discussed amendments that
 were sought by commentators but not accepted by NZTA.

M3: Panel's Initial Assessment

587 We reviewed NZTA's 15 May 2026 condition suites and accepted NZTA's amendments
 where we found they better addressed the potential impacts of the Project or improved
 the clarity and certainty of the conditions. Based on our assessments in Part E of this
 Decision, we made further amendments to the conditions.

588 Our Part E assessments took into account the requirements of s 83 which requires that
 the Panel must not set a condition that is more onerous than necessary to address the
 reason for which it is set in accordance with the provision of the FTAA that confers the
 discretion.

589 We also took into account the following FTAA requirements for conditions pertaining to
 particular approvals:

- (a) Schedule 5, clause 18 for resource consent under the RMA 1991;
- (b) Schedule 5 and clause 25 for the altered Designation;
- (c) Schedule 7, clause 6 for wildlife approvals under the Wildlife Act 1953;
- (d) Schedule 8, clause 5 for an archaeological authority under HNZTP Act 2014; and
- (e) Schedule 9, clause 6 for a controlled freshwater fisheries activity.

590 We note that if a Treaty settlement is relevant to an approval, then s 82 of the FTAA
 applies. In this case, the Ngāi Tahu Claims Settlement Act 1998 is relevant. In section
 E2 of this Decision we refer to the advice of Whitiōra in respect of this Treaty Settlement
 Act and its key principles. We understand that Whitiōra have expressed their satisfaction
 that the key principles of this Treaty Settlement Act have been incorporated into the
 design of the Project. Taking that at face value, we are satisfied that the requirements
 of s 82 have been met.

591 The Panel was cognisant of the fact that resource consent conditions must meet the
 requirements of s 108AA of the RMA. We were also mindful that the underlying purpose
 of the conditions of a resource consent is to manage environmental effects by setting
 outcome, requirements or limits to the consented activity, and how they are to be
 achieved.¹³² Conditions must also be certain and enforceable.¹³³

592 Amendments to the Designation conditions where we differed from the wording proposed
 by NZTA in their s 55 response to s 53 comments were:

¹³² *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].

¹³³ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

- (a) Insertion of definitions of Canterbury Regional Council, Construction Support Area and Waimakariri District Council and using those defined terms in the conditions;
- (b) Condition 3 where we added a reference to the VEMP;
- (c) Condition 4 where we retained clause (c) that NZTA wished to omit;
- (d) Condition 5 where we inserted a requirement for a management plan that would be submitted in parts of stages to be subject to prior discussion with the WDC. However, we concurred with NZTA that it would not be appropriate for WDC to have to agree to that staging;
- (e) Condition 8 where we inserted a heading and references to the CRC and Wātiora;
- (f) Condition 9 where we inserted a purpose for the CTMP that was based on conditions imposed on other NZTA designations that we are familiar with;
- (g) Condition 9(f) where we consider that haul roads speed should be specified in the CTMP and not merely considered;
- (h) Condition 11 where we inserted a purpose for the VEMP that was based on conditions imposed on other NZTA designations that we are familiar with. To provide more certainty, we also replaced the word "should" or "should, where practicable" with "must";
- (i) Condition 32 where we added the owner of 110 Parsonage Road;
- (j) Condition 36(c)(14) which we amended to refer to planting plans and schedules and removed the subjective wording "where possible";
- (k) Condition 39 to refer to the correct name of the intersection;
- (l) Condition 40 where we inserted a purpose for the VEMP that was based on conditions imposed on other NZTA designations that we are familiar with;
- (m) Condition 46 where we included wording sought by WDC regarding planting integrating the bridge works into the river corridor;
- (n) Condition 64 to improve the certainty of the condition's chapeau;
- (o) Conditions 84 and 96 to remove subjective wording; and
- (p) Condition 100 where, we omitted the condition number and included the advice note recommended by NZTA in response to WDC's concerns. However, we also inserted a clause relating to the payment of inspection fees, noting that doing so creates no mischief.

593 Amendments to the CRC resource consent conditions where we differed from the wording proposed by NZTA in their s 55 response to s 53 comments were:

- (a) Insertion of definitions of DOC (Department of Conservation) and VENM (Virgin excavated natural material);

- (b) Referring to CRC instead of "Canterbury Regional Council" throughout;
- (c) Omission of duplicated conditions C1.2;
- (d) Condition C1.12 where completed or abandoned earthworks are to be stabilised within ten working days;
- (e) Condition C1.18 to refer to VENM;
- (f) Condition C1.19 where we inserted clauses (d) and (e) relating to the reuse of contaminated soils consistent with CRC's recommendations;
- (g) Condition C1.21(b) where we omitted the subjective qualifier "where practicable";
- (h) Condition C1.22(c)(iii) where we referred "consented reuse and remediation criteria";
- (i) Insertion of condition C1.28 relating to hazardous substances storage;
- (j) Omission of conditions requiring a mudflat survey and reporting of that survey as that was undertaken by NZTA prior to us issuing our draft Decision (see section E9 of this Decision);
- (k) Conditions C2.1, C3.1, C4.1, C10.1 and C11.2 where we made formatting amendments;
- (l) Insertion of a heading for condition C2.5;
- (m) Omitting the subjective term "where practicable" from conditions C2.7(b);
- (n) Condition C2.9 where we retained original clauses relating to pool/riffle/run sequences, in-stream woody habitat and planted flood plain terrace;
- (o) Conditions C2.10 and C2.11 which we amended to refer to the NES:F (see Part J of this Decision). We also inserted references to DOC in condition C2.10 and removed the subjective qualifier "where practicable" from condition C2.11;
- (p) Inserting a requirement for permanent fish passage in condition C2.11;
- (q) Conditions C3.19 and C3.20 where we omitted the subjective qualifier "to the extent practicable";
- (r) Insertion of a monitoring obligation for discharges of dewatering water or ponded stormwater from the Gladstone Road Landfill and other HAIL sites to land into condition C4.7;
- (s) Insertion of conditions C4.12 and C4.13. We consider that performance standards to be met by a consent holder should be specified in conditions and generally not in the contents list of a management plan. However, we have omitted CRC's requested requirement to cease all construction activities in condition C4.13;

- (t) Conditions O1.5, O2.4, O3.11 and GC.4 as it is routine for condition reviews to require the BPO to be implemented;
- (u) Insertion of a heading prior to condition O2.3;
- (v) Insertion of condition O3.2. It is feasible to limit stormwater discharges to the site. If stormwater discharged into surface water ultimately flows beyond the boundary of the site (as postulated by NZTA) then it is beyond the control of the consent holder and so is not a compliance issue;
- (w) Condition O3.6 where we inserted clauses (c) and (d) to impose specific design standards. NZTA considered those matters were covered by conditions C2.9 and C2.11, but those conditions were very general in nature;
- (x) Condition O3.7 where we omitted the deemed compliance wording from clause (b);
- (y) Condition O3.12 as sought by CRC as such monitoring is appropriate;
- (z) Condition O3.8 where we omitted the subjective "where practicable" wording in clauses (b) and (d);
- (aa) Condition O3.9 where we amended clause (b) to cross-refer to the design requirements in Condition O3.8;
- (bb) Condition O3.10 where we retained clause (b), but omitted CRC certification. NZTA should be able to provide an inspection and maintenance schedule derived from their established asset management practices;
- (cc) Conditions MP.3 and MP.4 which we amended as discussed in section E1 of this Decision;
- (dd) Condition MP.5 Table 1 to require the RAP to be submitted to CRC 15 working days prior to active remedial works and not a rather excessive 150 days;
- (ee) Condition MP.6 clause (b) to clarify the training requirements, clause (g) to clarify compliance procedures, and clause (o) to include CRC and Whitoria;
- (ff) Condition MP.8 to amend clause (j)(vii) to refer to stream works and insertion of clauses (p), (q) and (r) relating respectively to the South Remnant Lake offset area, McIntosh Drain offset and lizard enhancement offset;
- (gg) Insertion of a purpose for the ESCP in conditions MP.10;
- (hh) Insertion of condition MP.11 to refer to a provision for review of modelled hydrogeological effects;
- (ii) Schedule 3 to specify the offset areas required in EM.3;
- (jj) Omitting reference to the mudfish survey in conditions EM.4(b);
- (kk) Schedule 4 to omit the wording "where practicable" from CM.5(c);

- (ll) Inserting definition for "Active Remediation" and "Works Completion Report" into the WDC NES-CS consent and consequently amending condition NES-CS.5;
 - (mm) Referring to "retained" contamination in condition NES-CS.9(b);
 - (nn) Amending condition NES-CS.10 to clarify the role of the SQP and the need to implement their recommendations.
- 594 Amendments to the Wildlife Approval conditions where we differed from the wording proposed by NZTA in their s 55 response to s 51 reports and s 53 comments were:
- (a) We reformatted the Approval to follow the orthodox format preferred by DOC and as used in other FTAA approvals, including Waihi North and the Southland Windfarm;
 - (b) Consistent with our discussion of management plan certification in section E1, we omitted any deemed certification clause and instead inserted an advice note indicating that certification should occur within 30 working days; and
 - (c) We amended Schedule 3 to refer to the LMP provided on 17 June 2026 and attached that LMP to the Approval as Schedule 5.
- 595 Amendments to the Archaeological Authority conditions where we differed from the wording proposed by NZTA in their s 55 response to s 51 reports and s 53 comments were:
- (a) Consistent with our discussion of management plan certification in section E1, we omitted the deemed certification clauses and instead inserted an advice note indicating that certification should occur within 30 working days. As part of that reformatting, we replaced the word "approval" with certification".
- 596 As we discussed in Part 2, we did not issue a separate complex freshwater fisheries activity suite of conditions.
- 597 In light of all of the above considerations, we produced the Panel's draft conditions.

M4: Panel's Draft Conditions

- 598 As required by s 70 of the FTAA, on 26 June 2026 the EPA provided our draft Conditions for all of the approvals to:
- (a) the parties listed in s 70(1); and
 - (b) the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development, as required by s 72(1).
- 599 The Draft Conditions were accompanied by the Panel's draft Decision document.
- 600 Unfortunately, on 15 July 2026 the EPA advised us that an administrative error had occurred when invitations to comment on the proposed draft conditions were distributed. Due to typographical errors in the email recipient list, three parties¹³⁴ did not receive

¹³⁴ Te Kohaka O Tuhaitara Trust, Philp Jenkin and Brian and Anne Stokes (Suburban Estates)

their invitations. Accordingly, on 15 July 2026 we asked the EPA to provide the draft conditions to those three parties and invite them to comment on them.

- 601 Comments were subsequently received from one¹³⁵ of those parties and NZTA responded to those comments on 27 July 2026.
- 602 Section s 72(1) comments were received from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development (Hon Tama Potaka) on 13 July 2026. The Minister supported the decision of the Expert Panel and the draft conditions, subject to consideration being given to strengthening the conditions to provide clear requirements for cultural monitoring across Project earthworks, engagement with relevant Māori groups on management plan changes, and provision of relevant monitoring and reporting information throughout the Project.
- 603 We consider that the conditions imposed (see sections M7 and M8 of this Decision) suitably reflect the Minister's comments.

M5: Comments on the Panel's Draft Conditions

- 604 On 3 July 2026 comments on the Panel's draft conditions were received from five of the original 32 commentators. As noted above on 27 July 2026 comments were received from one additional party. Section 70 comments were also provided by NZTA.
- 605 WDC sought amendments to the NES-CS land use consent conditions to:
- (a) Require further contaminated land investigation works to be provided to WDC at least 20 working days prior to earthworks commencing (Condition NES-CS.4);
 - (b) Require the RAP to be provided to WDC for certification at least 20 working days prior to works commencing (Condition NES-CS.5);
 - (c) Expand the contents of the Long Term Site Management Plan (Condition NES-CS.9); and
 - (d) Omit the reference to "within 10m of the discovery" in condition NES-CS.10 and Require information on any measures to manage the risk from unexpected contamination discovery to be provided to WDC.
- 606 WDC sought amendments to the Designation conditions to:
- (a) Refer consistently to WDC;
 - (b) Expand the conditions that the Urban and Landscape Design Management Plan would need to be prepared in accordance with (Condition 3.h.6);
 - (c) Allow WDC 10 working days to review any management plan revisions (Condition 6);
 - (d) Require haul road mitigations to be specified (Condition 9.e); and

¹³⁵ Te Kōhaka o Tūhaitara Trust.

- (e) Require the CSA to be reinstated to its natural contours and for pre and post construction photographic information to be provided to verify the rehabilitation outcomes (Condition 39B).

607 CRC sought amendments to the resource consent conditions to:

- (a) Refer consistently to the CLWRP and correct several typographical and cross-referencing errors;
- (b) Omit condition C1.8 as it largely duplicated C1.12;
- (c) Amend condition C3.17 to refer to surface water takes (over pumping);
- (d) Require the CAQMP to include a method for recording and responding to complaints from the public (condition MP.9);
- (e) Clarify that works can continue in other parts of the Project beyond any individual wetland where Canterbury mudfish are found (Schedule 4 clause CM.1) and clarifying that Canterbury mudfish may be found elsewhere within the Project other than just wetland WC_W6_NPSFM (Schedule 4 clauses CM.5 and CM.8)); and
- (f) Clarify that offset areas cannot be reduced during the recalculation process under Schedule 3 EM.4.

608 DOC provided a Memorandum¹³⁶ addressing the adequacy of NZTA Canterbury mudfish survey. Its author Dr Dunn suggested that a further eight wetlands¹³⁷ should be surveyed for the presence of Canterbury mudfish prior to works commencing.

609 DOC sought amendments to resource consent C2 (land use consent river and lake beds CRC263283) to:

- (a) Require any recovered Budd fish to be euthanised (Condition C2.5);
- (b) Require post works monitoring three months, one year, and two years following completion of construction to ensure permanent fish passage was achieved in the realigned Waihora and Taranaki Streams and the Taranaki Stream tributary (Condition C2.11); and
- (c) DOC supported the omission of subjective qualifiers such as "where practicable".

610 DOC sought amendments to the resource consent schedules to:

- (a) Omit the definition of a management plan "material change" and to amend the conditions to refer instead to a "minor administrative change" (Schedule 2, clause MP.4);

¹³⁶ Authored by Dr Nicholas Dunn, a DOC Senior Freshwater Science Advisor.

¹³⁷ In the vicinity of the Cam River/Ruataniwha, the Williams Street – Woodend Beach Road bridge, and in the vicinity of the Gladstone Road Bridge – SH1.

- (b) Require the purpose of the EMP to ensure no net-loss of indigenous biodiversity values within the Project site (Schedule 2, clause MP.7);
 - (c) Require the EMP to (Schedule 2, clause MP.8):
 - i. set out environmental reporting, auditing, compliance monitoring, review and complaints response processes;
 - ii. avoid vegetation clearance during the peak bird breeding season; and
 - iii. report fish salvage data to the CRC;
 - (d) Require the eradication of coarse fishes from the South Remnarua lake and install public exclusion fencing to prevent human reintroduction of coarse fishes;
 - (e) Clarify that lizard habitat restoration and enhancement would be undertaken (Schedule 3 clause EM.4);
 - (f) Require the recalculation of offset measures to include wetland values if the Canterbury mudfish survey required by CRC200282 Condition C1.30 confirmed the presence of Canterbury mudfish (Schedule 3 clause EM.4);
 - (g) Require the CMMP to be prepared in consultation with DOC (Schedule 4, clause CM.3) and require surveying of the eight wetlands identified by Dr Dunn (Schedule 4, clause CM.4);
 - (h) Require NZTA to more fully respond to comments DOC might make on a draft CMMP (Schedule 4, clause CM.6); and
- 611 DOC sought the imposition of standalone Complex Freshwater Fisheries Approval conditions that replicated CRC conditions C2.9, C2.10 and C2.11; noting that would unfortunately 'double up' the requirements on NZTA.
- 612 DOC sought amendments to the Wildlife Approval conditions relating to lizard capture and liberation, the naming of SQP's and personnel under the supervision of the Lead Herpetologist(s), the omission of the definition of material changes to the LMP with reference instead to variations to the LMP, and the omission of Schedule 3 clause 9.
- 613 HNZPT supported the Panel's addition of an Advice Note in the Archaeological Authorities that set out the expected timeframe in relation to providing feedback on the AMP, which is still to be certified. That Advice Note replaced the condition that was in contention between the parties with respect to "deemed certification". HNZPT had no additional comments to make in relation to the Panel's condition set.
- 614 Jan van Ilk commented on operational road traffic noise Designation conditions 92 to 96, insofar as they related to existing residential communities adjacent to the current SH1 corridor through Kaiapoi¹³⁸. Mr Van Ilk sought an additional condition requiring post-construction noise monitoring at representative residential locations adjacent to the

¹³⁸ Including Whitefield Street, Sneyd Street, Epworth Street, Bayliss Drive, Hayson Drive and Wyatt Street.

existing SH1 corridor through Kaiapoi, and that Condition 100 include operational road traffic noise assessment, mitigation and monitoring as part of WDC audits.

- 615 Te Kōhaka o Tūhaitara Trust requested that it be included within the scope of the receiving environment considered under the stormwater, hydrology, and ecology conditions. More specifically the Trust sought:

- (a) conditions that protected natural inland wetlands from potentially contaminated stormwater during both construction and operation of the Project, that ensured the Trust would be made aware of any monitoring results, and that established a protocol for consultation with the Trust, including the potential for mitigation where required (resource consent conditions C4.6, C4.9 and CM.5 (new clause requested)); and
- (b) it be formally added as a party to be notified and consulted under the relevant management plan conditions, on the same basis as Whātiora in relation to any matters affecting water quality, hydrology, or ecological values likely to affect Tūtaepatu Lagoon, the Te Kōhanga Wetlands, or the wider Tūhaitara Coastal Park (resource consent conditions MP.10(n) and MP.10(o)).

- 616 NZTA provided comments that comprised:

- (a) a Memorandum from counsel;
- (b) a Joint Statement of Evidence from Fiona McIntosh, Patrick Lees and Jamie MacKay (ecology) opposing the Panel's insertion of new condition EM.3(b) regarding minimum required offset areas and amending the Panel's proposed addition to MP.8 for the information that must be set out regarding residual effects management in the Ecological Management Plan ('EMP');
- (c) a Second Statement of Evidence from Paul Edward Walker (contaminated land) addressing:
 - i. opposition to resource consent condition C1.19(c) regarding a siting assessment for the re-use of contaminated soils and in particular, whether any site-specific aspects were inconsistent with the assumptions upon which the derivation of the Class 4 leaching to groundwater re-use criteria¹³⁹ was based;
 - ii. a minor amendment to condition C1.19(a);
 - iii. a view that the implementation of the Panel's proposed monitoring condition C1.19(e) would present an unduly onerous cost on NZTA compared to the risk of groundwater and surface water contamination that re-use presented.
- (d) a Second Statement of Evidence from Jason Pene (air quality) suggesting:
 - i. amendments to condition C4.12 that related to the discharge to air from the outdoor stockpiling of bulk solid materials; and

¹³⁹ Depth to groundwater, groundwater use, LWRP Rule 5.187, proximity to surface water or wetlands.

- ii. either omitting or amending Condition C4.13(c) requiring the Consent Holder to undertake specific response actions in the event that visible dust was identified to have been emitted beyond the site boundary;
 - (e) a Third Statement of Evidence from David Delagarza (stormwater) suggesting that:
 - i. the Panel's amendments to resource consent condition C2.9 (relating to culverts) would more correctly apply to the stream realignments associated with culverts, not to the culverts themselves, noting that draft condition C2.11 pertained to channel realignments and included similar features to the Panel's condition C2.9 amendments;
 - ii. condition O3.6(c) be amended to reference the NZTA 246 Stormwater Management and Minor Stream Diversion Design Specification for all stream diversions, major or minor, and that reference to stream diversions and river works should be removed from clause (d);
 - iii. the words "where practicable" be retained in condition C4.8 because, while the proposed design captured the vast majority of trafficable pavement area within the Site, there were small areas¹⁴⁰ that would require extensive additional stormwater infrastructure to capture and treat what are relatively small portions of pavement.
 - (f) amended resource consent conditions largely based on the above evidence;
 - (g) amended Designation conditions as set out below;
 - (h) amended Wildlife Act Approval conditions; and
 - (i) Appendices D and E to the approvals.
- 617 Counsel advised that NZTA did not seek any changes to the conditions on the Archaeological Authorities and only sought minor amendments to the Wildlife Act Approval, but continued to oppose the imposition of all standard terms and conditions in Schedule 2 of that approval.
- 618 Counsel submitted that some of the Panel's amendments did not comply with s 83 FTAA, including renaming the 'available' offsetting areas as a 'minimum' areas, restricting the reuse of soil on site (NES-CS conditions), and deletion of the subjective term 'where practicable' from conditions.
- 619 Counsel submitted that the phrase 'where practicable' did not give NZTA a discretion to disregard the requirement imposed by a condition, but instead established a high threshold for considered departure from that requirement that reflected the practical constraints and characteristics of the surrounding environment. Retention of the 'where

¹⁴⁰ At the existing Kaiapoi and Cam River bridges; at Gladstone and Woodend Beach Roads, where the ramps transition to the existing roadway alignments; at the ramps associated with Pegasus Blvd; and on the northernmost 300m of the Project, where the roadway tapers back to dual carriageway.

practicable' wording was sought for several resource consent conditions including C2.9, C3.19, O3.8 and MP.8(l)(ii).

620 Counsel submitted that some of the Panel's amendments to Designation conditions that removed subjective wording relating to construction effects, operational noise and vibration effects, and heritage effects and were therefore 'out of scope' as those activities were already authorised by the existing Designation. Nevertheless, NZTA agreed with several of those amendments but disagreed¹⁴¹ with most of them.

621 Regarding the Designation conditions NZTA:

- (a) opposed the inclusion of the VEMP in Designation condition 3 because the original Designation conditions did not require it to be certified by WDC and so it should not be part of the OPW;
- (b) proposed amendments to condition 8 to ensure the CEMP requirements in the designation conditions were consistent with changes made by the Panel to the CEMP requirements in the resource consent conditions;
- (c) opposed the Panel's amendment of the word "should" to "must" in conditions 11 and 12 as that limited NZTA's flexibility to manage construction noise and vibration effects and submitted that amendments to those conditions were 'out of scope' anyway;
- (d) submitted amendments to condition 36 regarding the ULDMP were out of scope; and
- (e) suggested amending condition 46 because the proposed landscaping would not integrate the Cam River bridge into the river corridor. Planting was only proposed where earthwork would occur, and beneath and to the east side of the bridge.

622 Regarding the Wildlife Approval NZTA opposed the inclusion of Schedule 2, but if it was retained suggested some clauses¹⁴² should be subject to minor amendments. Very minor administrative amendments were sought to the Schedule 3 conditions.

M6: NZTA's Response to the s 70 Comments on the Panel's Draft Conditions

623 On 15 July 2026 NZTA provided its s 70(4) responses to the s 70(1) comments provided by WDC, CRC, DMC and Jan van Ilk.

624 NZTA's s 70(4) response to Te Kōhaka o Tūhaitara Trust's comments was provided on 27 July 2026.

625 With respect to the comments made by Jan Vlk, NZTA noted his comments were out of scope in relation to the Substantive Application. The existing Designation authorised the operational noise effects of the Project, and NZTA had not sought any changes to the operational noise conditions. However, NZTA advised it was happy to provide a copy of the final operational noise assessment to Jan Vlk separately to this FTAA process.

¹⁴¹ Condition 11(b), the retention of 'where appropriate' in condition 64, the retention of "where possible" in condition 84, condition 96,

¹⁴² Clauses 2.4, 2.6 and 7.1.

M7: Panel Findings on Conditions

- 626 Readers should note that the Panel **did not** revise Parts B to L of this Decision following the receipt of s 70 comments on the Panel's draft conditions and NZTA's s 70(4) response to those comments.
- 627 Consequently, any inconsistencies with our earlier findings in Parts B to L of this Decision and the final conditions imposed arise because we agreed with the reasons given by either WDC, CRC, DOC or NZTA for amended approval conditions, notwithstanding our earlier assessments in Parts B to L¹⁴³.
- 628 Other than as set out below, we have adopted the amended conditions proposed by NZTA in its s 70 comments and its s 70(4) response to the comments provided by WDC, CRC, DOC and Te Kōhaka o Tūhaitara Trust, along with the various reasons provided by NZTA in its comments and response, together with the further technical evidence that NZTA provided as part of its s 55 and s 70 comments. For the sake of brevity, we do not repeat those various reasons here but note the NZTA documentation referred to is available on the FTAA website should readers of this Decision wish to view those reasons and evidence.
- 629 There were no areas of disagreement between HNZTP and NZTA regarding the conditions of the Archaeological Authorities and we did not make any further amendments to those conditions.
- 630 Regarding the CRC resource consent conditions:
- (a) In condition C1.19:
 - i. We omitted our additional clause (d) from the draft conditions as requested by NZTA. The information provided by NZTA, the evidence and supplementary evidence prepared by Mr Walker all indicate that the "siting assessment" requested has already been accounted for in the information provided. On balance, the purpose of the FTAA would not be served by requiring a future re-assessment.
 - ii. We retained our additional clause (e) in condition C1.19, but added the words "at representative locations" in clause (e). We consider that alleviates the potentially onerous monitoring requirement that was of concern to NZTA;
 - (b) We omitted the second reference to "where practicable" in condition C1.21(b);
 - (c) We continued to omit the subjective words "where practicable" from conditions C2.7, C2.9, C2.11 and C3.20 because conditions should impose clear and unambiguous obligations on the consent holder;
 - (d) We amended condition C3.19 so that the term "to the extent practicable" only applied to upstream ponding or downstream flow reduction;

¹⁴³ We note HNZTP provided s 70 comments but sought no further amendments to the Archaeological Authority conditions.

- (e) We retained the specification of monitoring frequency in condition C4.7(d) as opposed to leaving that to be defined in the CSMP;
- (f) Retained condition C4.13, but amended it as recommended in the Second Statement of Evidence from Jason Pene;
- (g) Retained our amendment to review conditions O1.5, O2.4, O3.11 and GC.4 as it is not uncommon for review conditions to enable the adoption of the best practicable option to remove or reduce any adverse effect on the environment;
- (h) Retained our omission of the words “where practicable” in condition O3.8(b), but added an exclusion for the areas that would require extensive additional stormwater infrastructure to capture and treat what are relatively small portions of pavement that were identified in the Third Statement of Evidence from David Delagarza;
- (i) We acknowledge and accepted NZTA’s evidence that the finalised Project design and construction methodology might result in actual residual effects on wetland biodiversity values, stream values and lizard habitat being less or more (in quantum) than was outlined in the EcIA. However, we were also of the view that consent conditions need to include the quantum of offset required to achieve no net loss of those values and habitat to be consistent with the NPS:FM direction on biodiversity offsetting. NZTA’s concern was that the total quantum of impact might reduce following detailed design, and therefore offset areas codified in conditions now could be disproportionate to the eventual and actual residual effects. However, we have had a balance of that uncertainty against the need for certainty that effects – as presented to us by NZTA – have been adequately addressed. Therefore, we have retained condition EM.3(b) that specified minimum offset areas of habitat, but we have updated their respective quantum to reflect the areas required to achieve no net loss of values or habitat¹⁴⁴, rather than the total offset areas available within the Project Site (as was provided in for our draft conditions). We note that reassessment of the required offset areas will be included in a Residual Effects Management (‘REM’) section in the Project’s EMP (as required by condition EM.4) and the EMP will be prepared as a condition of consent (MP.8). We are therefore satisfied that the consent conditions address the effects as presented in the Application with a necessary degree of certainty, whilst also providing a transparent method for recalculating the minimum offset areas required to achieve no net loss of wetland biodiversity values, stream values and lizard habitat arising from the final or 100% Project design and construction methodology;
- (j) We did not adopt the “where practicable” wording sought for condition MP.8(l)(ii) as the wording “or minimise” sought by NZTA (and which we agreed to) provided sufficient flexibility;
- (k) We omitted what were conditions MP.8(p)(ii) and (viii) as sought by NZTA, but included the list of habitat types in an amended condition MP.8(p)(ii) as a means of providing guidance on the types of wetland habitat that should be created.

¹⁴⁴ Provided by NZTA in their Substantive Application and updated in the 3 July 2026 Joint Statement of Evidence of Fiona McIntosh, Patrick Lees and Jamie MacKay.

We consider our inclusion of the words “including but not limited to” provides sufficient flexibility for that wetland creation;

- (l) We inserted conditions CM.6(c) and (d) requiring NZTA to document its response to any DOC feedback provided on the CMM;
- (m) We inserted condition GC.5 requiring that in the event of any conflict or inconsistency between the conditions of the resource consents and the provisions of a certified management plan the conditions of the resource consents must prevail.

631 For the sake of completeness, we record that:

- (a) NZTA sought to reinstate conditions C1.29, C1.30 and EM.4(b)(ii) relating to a mudfish survey in potential mudfish habitat WC_W6_NPFMSM. In our draft Decision we considered that to be unnecessary given a mudfish survey had already been carried out in that area, but we nevertheless reinstated those conditions because NZTA advised that they intended to undertake a further mudfish survey in that area; and
- (b) We accept that in the unlikely event that Canterbury mudfish are found elsewhere on Site (other than in potential mudfish habitat WC_W6_NPFMSM which is to be resurveyed), condition EM.1 would apply which sets out a protocol for discovery of any ‘At Risk or ‘Threatened’ flora or fauna and that would equally apply to Canterbury Mudfish because they are ‘Threatened’ species. On that basis we did not include additional conditions targeting the further seven wetlands identified by Dr Dunn in the Memorandum that formed part of DOC’s s 70 comments.

632 Regarding the NES-CS conditions we accepted NZTA’s suggested amendments.

633 Regarding the Designation conditions we accepted NZTA’s suggested amendments, except for the final advice note (formerly condition 100) where we retained the wording set out in our draft conditions as it provided greater certainty.

634 We reluctantly adopted to NZTA’s preferred wording for Designation conditions 11(a), 11(b), 12¹⁴⁵, 64¹⁴⁶, 84¹⁴⁷ and 94¹⁴⁸, noting that wording to be inappropriately subjective, but acknowledging the amendments we proposed in our draft conditions were arguably ‘out of scope’ because those particular conditions did not relate to the altered Designation.

635 Regarding the Wildlife Approval there were only minor areas of disagreement between DOC and NZTA. We accepted the changes to conditions set out in NZTA’s s 70(4) response, noting many of those changes were sought by DOC¹⁴⁹.

636 However, we retained Schedule 1 notwithstanding NZTA’s view that it was unnecessary to do so. We inserted the Schedule 2 heading “*What are the liabilities?*” and clause 1

¹⁴⁵ The use of the word “should” instead of “must” and the use of the term “where practicable”.

¹⁴⁶ The use of the term ‘where appropriate’.

¹⁴⁷ The use of the term “where possible”.

¹⁴⁸ The use of the term “to the extent practicable”.

¹⁴⁹ Schedule 1 clauses 1, 2, 3. Schedule 3 clauses 8, 10 and new clause 15.

under that heading that was sought by DOC. We did not insert clauses 2 and 3 sought by DOC in light of NZTA's submission that NZTA is a Crown entity and s 163 of the Crown Entities Act 2004 prohibits NZTA from giving an indemnity.

- 637 DOC requested standalone Complex Freshwater Fisheries Approval (CFFA) conditions that replicated (or duplicated) CRC conditions C2.9, C2.10 and C2.11. DOC advised that it had responsibility under the Freshwater Fisheries Regulations (FFR) for the enforcement of any approvals granted under the FFR. We understand DOC to be concerned that it would not be able exercise enforcement action against NZTA for breaches of the FFR if there were no Approval conditions that DOC would be responsible for monitoring compliance with. DOC acknowledged it was unfortunate that standalone CFFA conditions would 'double up' the requirements that NZTA needed to comply with.
- 638 NZTA advised that it agreed with the Panel's draft Decision that standalone CFFA conditions were not necessary as fish passage was secured through the resource consent conditions.
- 639 The Panel's view is that duplicated conditions create uncertainty, increase the complexity of the approvals and potentially frustrate the efficient delivery of a project. We consider that it is better to state the conditions once in a relevant approval and to cross-refer to those conditions in the other approvals if necessary.
- 640 On balance we have agreed to issue a standalone CFFA approval with conditions that DOC will be responsible for enforcing, albeit that those conditions largely duplicate the CRC conditions. Addressing DOC's concern about changes to cross-referred conditions, any subsequent RMA s 127 or s 128 amendments to cross-referred resource conditions can be undertaken in consultation with DOC. We added resource consent condition C2.11B to enable that to occur.
- 641 Regarding other CFFA conditions sought by DOC, resource consent condition C2.10(c)(ii) already required written confirmation to be provided to CRC and DOC of a SQP's post-construction culvert inspections and findings. Such a requirement was missing from condition C2.11 for stream realignments, and so we inserted resource consent condition C2.11A requiring post-construction stream realignment inspections and findings to be provided to CRC and DOC in a manner consistent with resource consent condition C2.10(c)(ii).
- 642 Regarding the amendments to the resource consent conditions sought by the Te Kōhaka Tūhaitara Trust, apart from resource consent condition CM.5¹⁵⁰, we did not amend any other conditions because we agreed with the reasons for not doing so cited by NZTA in their s 70(4) response of 27 July 2026.
- 643 However, for the sake of completeness, we record that:
- (a) the majority of amendments sought by the Te Kōhaka o Tūhaitara Trust' to the resource consent conditions were unnecessary, primarily because values relating to Tūtaepatu Lagoon, the Te Kōhanga Wetlands, and the wider Tūhaitara Coastal

¹⁵⁰ We agreed with NZTA's supported amendments to resource consent Conditions CM.5(f) and (l) requiring the Trust's wetland restoration sites to be considered as potential recipient sites for Canterbury mudfish relocation, or as locations for compensatory habitat restoration.

Park were unlikely to be affected given those features are located approximately 1400m east of the Project Alignment; and

- (b) the amendments to the Designation conditions that were sought by Jan van Ilk are 'out of scope' as they relate to the operational SH1 noise effects within Kaiapoi that were authorised by the original Designation conditions.

M8: Conditions Imposed

- 644 The conditions that we have imposed on the various approvals sought for the Project are set out in Appendices C to I of this Decision.



Cameron Lines (Member)



Dr Greg Burrell (Member)



Rob Voortuysen (Chair)

APPENDIX A: PARTIES WHO PROVIDED COMMENTS UNDER ss 53 AND 70

Section 53 Commentators	Section 70 Commentators
Alan MacDonald	
Brendan and Carolyn Rhodes	
Brian and Anne Stokes	
Canterbury Regional Council	Canterbury Regional Council
David Fahy	
Department of Conservation	Department of Conservation
Emma Cunningham	
Fish and Game New Zealand	
Foodstuffs (South Island) Properties Limited	
Glenn Allsopp	
Heritage New Zealand Pouhere Taonga	Heritage New Zealand Pouhere Taonga
Hon Chris Bishop	
Hon James Meager	
Hon Nicola Willis	
Hon Shane Jones	
Hon Tama Potaka	Hon Tama Potaka
Hugh Bramwell & Catherine Bramwell	
Jan van Vlk	Jan van Vlk
Karla Allsopp	
Katrina Morris	
Lance Dartnall	
Nicky Auld	
Olivia Penrose	
Philp Jenkins	
Rainer and Rosula Hack	
Ravenswood Development Limited	
Simon Watts	
Te Kōhaka o Tūhaitara Trust	Te Kōhaka o Tūhaitara Trust
Vortech Electrical	
Waimakariri District Council	Waimakariri District Council
Whitiara Centre Limited	

APPENDIX B: CONSENTS GRANTED

REF	RMA	TYPE	CONSENT NUMBER	DETAIL
Canterbury Regional Council (CRC)				
C1	s 9	Land use consent	CRC263282	Earthworks
C2	s 13	Land use consent	CRC263283	Activities on, under and over river and lake beds
C3	s 14	Water Permit	CRC263285	Take and use groundwater and surface water
C4	s 15	Discharge permit	CRC263287	Discharge to land, water and air
O1	s 9	Land use consent	CRC263284	Activities on, under and over river and lake beds
O2	s 14	Water Permit	CRC263286	Incidental take groundwater and stream diversions
O3	s 15	Discharge permit	CRC263288	Discharge stormwater and groundwater
Waimakariri District Council (WDC)				
NES-CS	s 9	Land use consent		Disturbance and excavation of contaminated soil