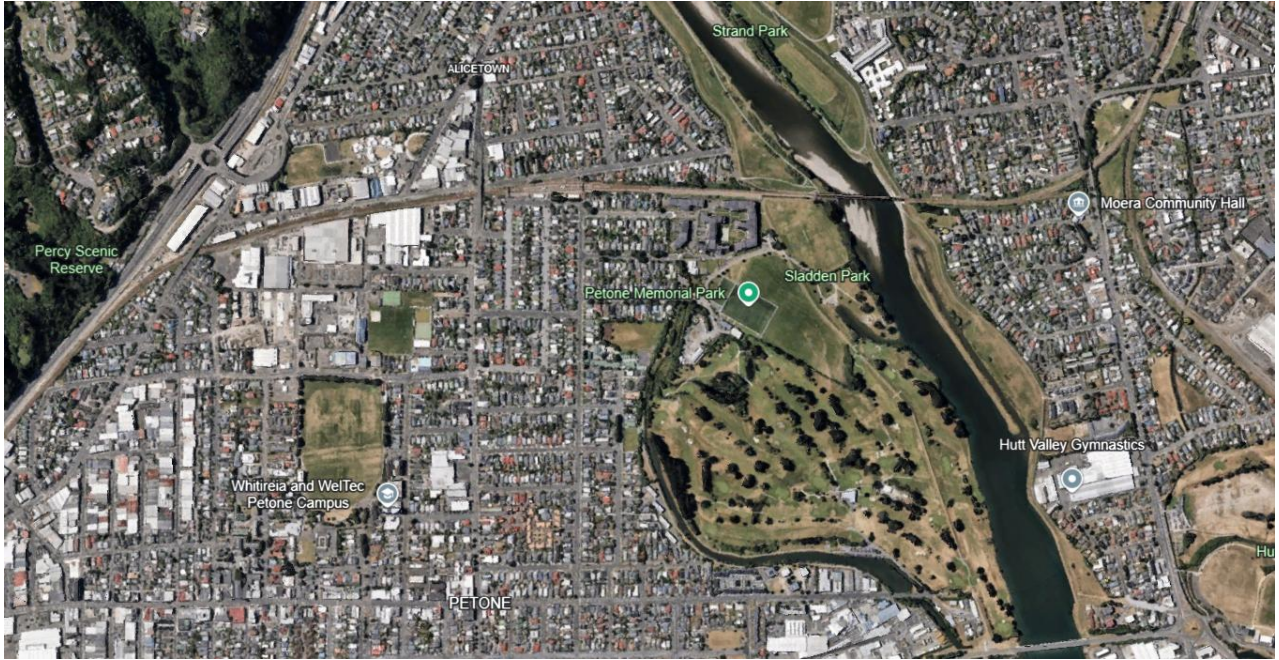




Appendix K

Statutory Approvals Assessment

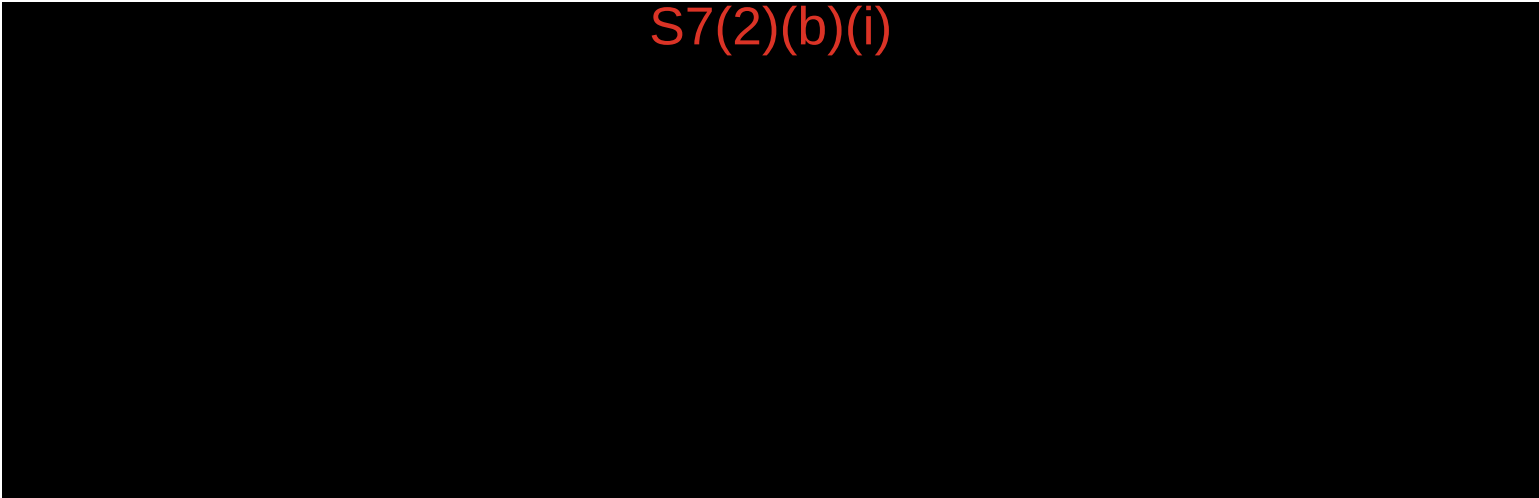
NZ Transport Agency Waka Kotahi
Cross Valley Link

SARAH JENKIN, NAVIGATRIX

6 JUNE 2025

QUALITY REVIEW AND APPROVAL RECORD

S7(2)(b)(i)



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APPENDIX A PLANNING OVERLAYS

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EXECUTIVE SUMMARY

Petone to Grenada and the Cross Valley Link were identified as a Road of National Significance in the Government Policy Statement on Land Transport 2024. The National Land Transport Programme 2024-27 (NLTP) includes P2G and CVL as projects which will support growth, including new housing, and improve resilience.

The purpose of CVL is to improve east-west transport access in central and southern Lower Hutt, including by strengthening the resilience of this part of the network.

With the exception of a new bridge over Te Awa Kairangi Hutt River, most of the CVL feasible alignment is located within existing road reserve. Property purchase is required for targeted areas of the alignment, to create sufficient space for the new road layout. This primarily applies at intersections. Several existing intersections will require closure, to prioritise the east-west functioning of CVL.

A designation is recommended for construction of CVL, primarily to facilitate property acquisition. HCC may wish to uplift the designation along the majority of the route once constructed.

Timing for construction and the organisation responsible for delivery of CVL is currently unknown and hence this Consenting Approvals Assessment does not recommend a particular approvals strategy. The standard council consenting pathway, with the option for Direct Referral to the Environment Court if required, is the recommended approach for consenting CVL. This is because there appear to be no specific policy challenges for consenting the new Te Awa Kairangi Hutt River bridge, and it is currently uncertain whether CVL would meet the entry criteria for the fast track approvals process with regard to benefits and whether CVL meets the definition of regionally significant infrastructure. This recommendation should be reviewed and updated to a Consent Strategy once there is visibility over funding and construction timing.

1 INTRODUCTION

The Petone to Grenada Link Road (P2G) is a proposed new highway that will connect the economic centres of North Wellington/Porirua and Lower Hutt. It will result in significantly reduced journey times between these cities, facilitating greater movement and increased economic activity, and will help reduce congestion on SH1 and SH2.

The Government Policy Statement on Land Transport (GPS) 2024-34 has identified the Petone to Grenada Link Road and the Cross Valley Link (CVL) as a Road of National Significance (RoNS). They are identified jointly as a RoNS to “unlock housing growth” and will contribute to the primary strategic priority of the GPS, which is to support economic growth and productivity. The National Land Transport Programme 2024-27 (NLTP) includes the P2G and CVL RoNS as a project that will unlock land for housing, improve resilience, and support economic growth.

P2G and CVL are adjacent initiatives. P2G is proposed to provide an east-west corridor between the key urban areas of Lower Hutt (SH2) and North Wellington/Porirua (SH1). CVL is proposed to connect SH2 (and a future P2G corridor) with the Seaview/ Wainuiomata areas via a new/ upgraded corridor. Both projects have been investigated previously, P2G has been examined by NZTA and recent investigations into CVL have been progressed by Hutt City Council.

An Investment Case has been progressed for P2G which includes a Feasibility Study for CVL. The focus of the Feasibility Study has been to identify the alignment, form, and function that CVL needs to be to deliver on the project objective.

On completion of the Investment Case, a decision will be made whether to fund P2G, and hence progress to further design, route protection, and consenting.

This Assessment focuses on CVL – there is a separate Statutory Approvals Assessment for P2G. The potential interface with P2G is discussed in Section **Error! Reference source not found.** of this Assessment.

This Assessment has been prepared on the assumption that

- CVL will not be a state highway
- The timing for commencing construction has not been confirmed, and
- The requiring authority is Hutt City Council (HCC)

These assumptions could change, including if NZTA decided that CVL should be progressed concurrently with P2G.

1.1 Statutory Approvals Assessment purpose

This report identifies the statutory approvals likely to be required to provide for route protection and implementation of CVL under the Resource Management Act 1991 (RMA), based on the level of design completed for the Feasibility Study. CLV may also require statutory approvals under other related legislation, including the Wildlife Act and the Heritage New Zealand Pouhere Taonga Act.

This is an initial Assessment which provides information to support the project planning and procurement phase. Aspects of this Strategy may evolve during ongoing project development to ensure it remains current and provides appropriate guidance for the project. A more detailed consent strategy will be required if funding is confirmed for CVL.

1.2 Consenting Objectives

The consenting objectives for this assessment are to:

- Identify the required RMA approvals for route protection, regional consents and other statutory approvals.
- Identify, and minimise to the extent possible at this stage, statutory and delivery risk.

2 PROJECT OVERVIEW AND CONTEXT

The case for the CVL has been considered by Hutt City Council (HCC) over many years. CVL was most recently investigated by Hutt City Council in 2020 in the Cross Valley Connections Programme Business Case (CVC PBC), which considered a multimodal system approach to supporting economic development and improving resilience in Lower Hutt. CVL was included within the proposed suite of interventions to provide a new/ upgraded corridor to connect the Seaview/ Gracefield area with the strategic network at SH2. The CVC PBC identified two problems with the existing Lower Hutt transport system:

Problems	
Lack of transport resilience	Southern Lower Hutt's transport network lacks resilience to major natural events, future sea level rise, and regular network interruptions, which will cause economic and / or social disruption for Lower Hutt and the Wellington region.
Limited access	The existing transport system in southern Lower Hutt limits modal choice, constrains access to social and economic opportunities and creates safety issues for active mode users.

2.1.1 CVL Project Objective

There are two HCC project objectives for CVL:

1. Improve east-west transport access to key urban growth areas and economic hubs in central and southern Lower Hutt
2. Strengthen the resilience of the east-west strategic transport network in central and southern Lower Hutt to high-impact, low-probability (HILP) and low-impact, high probability (LIHP) events, as well as long-term sea-level rise.

The overall P2G project objective has also been applied to CVL:

"To create an efficient transport connection between southern Lower Hutt and North Wellington/ Porirua to support economic growth and productivity, and housing development".

As part of an Investment Case to confirm funding for CVL, the objectives applying to CVL will require review and confirmation to determine whether they are appropriately worded to support any future Notice of Requirement.

2.2 Project description

The project is currently at the feasibility stage – assessing whether there is a feasible alignment which would address the problems and meet the project objective(s).

The Cross Valley Link (CVL) corridor starts from an upgraded Hutt Road/ Wakefield Street intersection, and then uses an upgraded Wakefield Street, with some intersections upgraded to traffic signals. CVL will have one lane in each direction for general traffic, a wide flush median, and walking and cycling facilities. The exact form of the latter will be determined at the next stage of design.

At the Hutt River, a new bridge connects Wakefield Street to Whites Line West. Whites Line West is also upgraded within the existing road corridor, before connecting to the Randwick Road intersection. The Randwick Road intersection will also be upgraded.

South of the Randwick Road intersection with Whites Line East/ West, the road will be upgraded within the existing road reserve as far as Seaview/ Gracefield.

Construction of CVL will result in local road closures at the intersection of Wakefield Street and Tama and Mudie streets and Randwick Road and Trevethick Grove. Alternative access to Trevethick Grove is proposed via Saulbrey Grove.

Emerging preferred option - Cross Valley Link

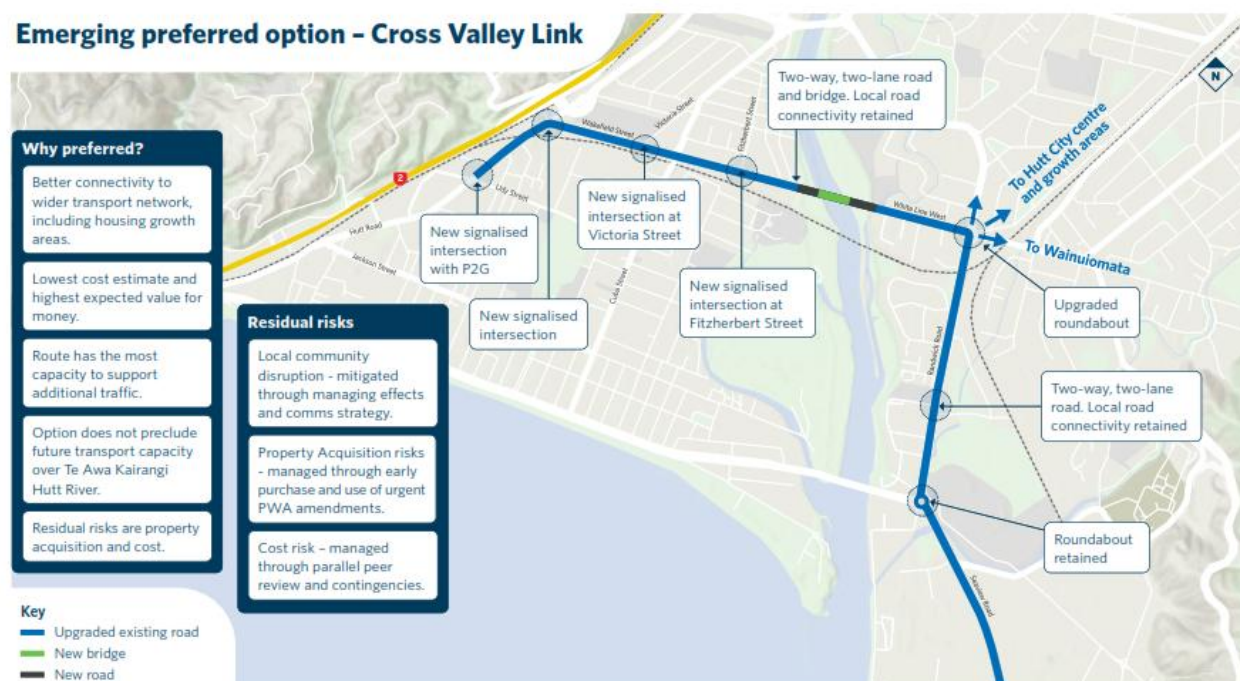


Figure 1: Cross Valley Link

2.3 Existing Environment

CVL is located within the Greater Wellington region, and Hutt City Council. Ngāti Toa Rangatira and Taranaki Whānui are mana whenua for this area.

CVL traverses a highly urbanised area. The feasible alignment is primarily located within existing road reserve. The existing development surrounding the feasible alignment is predominantly residential (following the alignment east to west) along Randwick Road, Whites Line West, and Wakefield Street. The western stretch of the CVL alignment along Wakefield Street and Hutt Road is surrounded by general and light industrial zoned land.

A variety of infrastructure is located within and adjacent to the road reserve, including regional and district water supply pipes, stormwater and wastewater infrastructure and gas supply infrastructure.

Known culturally significant sites that are potentially affected by the CVL alignment include:

- Multiple streams within the alignment of cultural significance – Ōkautu or Opahu, Waiwhetu and Te Awamutu streams – all of which flow into Te Awa Kairangi.
- The alignment around Seaview is known to be an area of cultural significance for Taranaki Whānui due to Waiwhetu Pā. Owhiti Urupā is a marker of this presence.
- Te Kakano o Te Aroha Marae is on Randwick Road.

Te Awa Kairangi/Hutt River is the only statutory acknowledgement area listed under relevant Treaty Settlement legislation. The name Te Awa Kairangi, meaning "the bringer of food from the heavens" or "the highly treasured waters," reflects its importance. Mana Whenua consider Te Awa Kairangi is a taonga and awa tupua (treasured ancestral river). It historically linked settlements, with waka (canoes) being the primary means of travel up and down the valley before the riverbed was uplifted by the 1855 earthquake.

From an ecological perspective, the main ecological feature is Te Awa Kairangi including the riparian margins and the mouth. Te Awa Kairangi has scheduled values in the Greater Wellington Natural Resources Plan (NRP) including for macroinvertebrate community health, habitat for native species, native fish migration, trout and inanga spawning. Other watercourses present in and around the various alignment options include unnamed tributaries of Te Awa Kairangi and Waiwhetu Stream.

3 STATUTORY CONTEXT AND KEY ISSUES

3.1 Relevant statutory documents

The environmental legislation, national direction instruments, regional and district plans, which will or may apply to the project and which are directly relevant to the Strategy are:

Table 1: Statutory planning context

Statutory Planning context	
Planning legislation	Resource Management Act 1991 Fast Track Approvals Act 2024
National policy direction	National Policy Statement for Freshwater Management 2020 (NPS-FM) National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) National Environmental Standards for Sources of Human Drinking Water 2007 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-Soil) National Environmental Standards for Freshwater 2020 (NES-F)
Regional and district plans and policy	Greater Wellington Regional Policy Statement (RPS) Greater Wellington Natural Resources Plan (NRP) Hutt City District Plan (HDP)
Other relevant legislation	Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) Local Government Act 1974 [e.g., road stopping]

Statutory Planning context	
	Public Works Act 1981 (PWA)
	Reserves Act 1977
	Wildlife Act 1953

3.1.1 Future statutory context

Changes to the statutory context have been signalled by the Government as part of its infrastructure and energy package. The Resource Management (Consenting and Other System Changes) Amendment Bill was introduced to Parliament in December 2024.

As at 16 May 2025, the bill was in the Select Committee Stage. Of relevance to the Project is the proposal to extend the default lapse period of designations from 5 years to 10 years, and simplify the information requirements for Notices of Requirement. The Select Committee is due to report back to Parliament on 17 June 2025, with the intention that the bill will be passed into law in mid-2025¹.

The Government is also progressing amendments to a variety of national policy statements and developing additional national policy statements. The signal is for more enabling policies for infrastructure². The intended timeframe is to have amendments and new policy in place by the end of 2025.

The Government has also signalled its intention to introduce two new Acts to replace the RMA – the Planning Act, which would focus on land-use planning and regulation, and the Natural Environment Act, which would focus on the use, protection and enhancement of the natural environment. The relevant Bills are anticipated to be shortly introduced to Parliament. Whilst this is currently no visibility of proposed drafting, the content and progress of these bills should be monitored as they may influence a subsequent review of this Approvals Assessment.

The Public Works (Critical Infrastructure) Amendment Bill is expected to be introduced to Parliament in May 2025. If enacted as currently drafted, this bill would amend the Public Works Act (PWA) to provide incentive payments and a streamlined objective process for landowners whose land is acquired for major infrastructure projects. This would likely apply to CVL as it is a RoNS. Unless changes are made during the select committee process, this amendment to the PWA would require a designation to be in place before HCC could issue compulsory acquisition notices for CVL.

Any amended or new national policy statements will likely be in place before preparation of the statutory approvals applications are complete, and hence they will need consideration as part of finalising the design and preparing these applications.

Review Approvals Assessment following enactment of the Resource Management (Consenting and Other Systems Changes) Act and gazetting of relevant NPS changes, enactment of the Public Works (Critical Infrastructure) Amendment Act and introduction of the Planning Bill and Natural Environment Bill.

3.2 Relevant national policy direction

The national policy requirements described in this section may affect consenting outcomes and they should be considered as the project design develops and in any consent application. A more fulsome statutory assessment will be included in a later Assessment of Effects on the Environment (AEE), which forms part of the application documentation.

¹ [Changes to resource management | Ministry for the Environment](#) – accessed 7 April 2025

² [5.-National-direction.pdf](#) – accessed 7 April 2025

3.2.1 Resource Management Act statutory thresholds

Table 2: RMA statutory thresholds

Section	Requirement	Relevance for CVL
Section 104(1) – Consideration of an application	When considering a resource consent application, HCC (for NES-CS consent) must have regard to any relevant objectives and policies in national, regional or district plans and policy statements, and any national environmental standard.	Alignment of CVL with the planning provisions of the relevant statutory documents is important when progressing detailed design and preparing the assessment of effects. Activities that generate effects that objectives and policies direct should be 'avoided' should avoid generating that effect in order to be consistent with policy direction. A more detailed assessment of objectives and policies is recommended as part of the Approvals Assessment review.
Section 104D – Non complying activities	In order to grant a resource consent for a non-complying activity, a consent authority must be satisfied that either the effects will be minor or the activity is not contrary to the objectives and policies of the relevant plan or proposed plan.	If construction of CVL involves activities which are identified as Non-Complying in the NRP, consideration should be given to whether these activities can be 'designed out'.
Section 105 – Matters relevant to certain applications	When considering a resource consent application for discharges of contaminants into water or onto land, GWRC will need to have regard to the nature of any discharges, the sensitivity of the receiving environment, the reasons for the proposed discharge approach and any possible alternative discharge methods.	Any application for a discharge permit for construction or operation of CVL must respond to the requirements of this section, to support GWRC's decision-making.
Section 107 - Restriction on grant of certain discharge permits	GWRC cannot grant a resource consent for a discharge permit if the effects listed in Section 107(1)(c)-(g) would arise, unless there are exceptional circumstances.	Based on the currently availability information, it is assumed that these effects would not arise, and therefore GWRC would not be prevented from granting any required discharge permits.
Section 171(1)(a)	When making a recommendation on an NOR, HCC must have particular regard to any relevant objectives and policies	Alignment of HCC with the planning provisions of the relevant statutory documents is important when

Section	Requirement	Relevance for CVL
	in national, regional or district plans and policy statements.	progressing detailed design and preparing the assessment of effects. Activities that generate effects that objectives and policies direct should be 'avoided' should avoid generating that effect in order to be consistent with policy direction. A more detailed assessment of objectives and policies is recommended as part of the Approvals Assessment review.
Section 171(1)(b) – consideration of alternatives	When making a recommendation on a NoR, HCC must have particular regard to whether an adequate assessment of alternatives has been undertaken.	This will likely be required for CVL because HCC will not own all the land required to construct the project, and there may be significant effects associated with construction.
Section 171(1)(c) – reasonably necessary	HCC will need to consider whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought	The NoR for CVL will need to consider whether the proposed works are reasonably necessary to achieving HCC's project objective and whether a designation is the appropriate planning tool. These tests should be considered as the project scope is developed and the project footprint and designation boundary is confirmed.
Schedule 4 Cl 6 (1)(a)– information required in assessment of environmental effects	An assessment of an activity's effects on the environment must include an assessment of alternatives if it is likely the activity will result in significant adverse effects on the environment	Based on the currently available information, it is assumed that there will be significant effects. This should be reassessed as the design develops.

3.2.2 Application of relevant National Policy Statements and National Environmental Standards to CVL

Table 3 identifies the relevant National Policy Statements (NPS) and National Environmental Standards (NES) for consenting CVL, and why these are relevant.

Table 3: Relevant NPS and NES

Statement or Standard	Relevance
National Policy Statement on Freshwater Management 2020 (NPS-FM)	The NPS-FM requires that the habitats of freshwater species are protected and the loss of river extent and values is avoided to the extent practicable. Whilst the NPS-FM is primarily relevant to the development of regional plans it is also relevant when assessing the effects of an activity on the quality of fresh water, freshwater ecosystems and values associated with freshwater bodies. It provides local authorities with direction on how they should manage freshwater under the RMA. The current understanding is there are no natural inland wetlands³ within the feasible alignment footprint. This requires confirmation through fieldwork. If these are confirmed, it is possible CVL would meet the definition of Specified Infrastructure in the NPS-FW⁴, which then provides for works within natural inland wetland. Confirmation of whether CVL meets this definition is required. There are no objectives or policies in the NPS-FM which might specifically preclude development of CVL. The effects management hierarchy will also apply to construction of the new bridge across Te Awa Kairangi Hutt River and any application will need to demonstrate there is a functional need for the bridge in its proposed location if there are losses of river extent or values.
National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)	The National Policy Statement for Indigenous Biodiversity (NPS-IB) 2023 aims to maintain indigenous biodiversity through the maintenance of populations, functional habitats and ecosystems as well as connectivity and ecosystem resilience. The NPS-IB also requires, where necessary, the restoration and enhancement of ecosystems and habitats. There are no objectives or policies in the NPS-IB which might specifically preclude development of CVL. The effects management hierarchy will

³ natural inland wetland means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
 - (i) is within an area of pasture used for grazing; and
 - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless
 - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

⁴ Regionally significant infrastructure identified as such regional policy statement or regional plan. The RPS definition of Regionally Significant Infrastructure includes the Strategic Transport Network, which includes strategic roads that are classified as a National High Volume Road, National Road or Regional road as part of the region's strategic road network identified in the Regional Land Transport Plan 2021. The 2024 Mid-Term review of the 2021 RLTP includes P2G and CVL as a Road of National Significance, consistent with GPS 2024. The 2021 RLTP categorises CVL as local road improvements.

Statement or Standard	Relevance
	apply to managing any significant effects associated with a loss of indigenous biodiversity.
Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS)	The NES-CS imposes regulations for the disturbance of contaminated soils, including potentially contaminated soils. There are listed Hazardous Activities and Industries List (HAIL) sites located within and adjacent to the feasible alignment corridor, and multiple sites along Hutt Road and Udy Street and the north side of Wakefield Street. The Ava Part Landfill is located adjacent to the proposed location of the new bridge over Te Awa Kairangi Hutt River. There are several contaminated sites on the western side of Randwick Road. Disturbance of a HAIL site, if required, will likely trigger the provisions of the NES-CS meaning a resource consent would be required from HCC for construction of CVL.
Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F)	The NES-F sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems, including in and around freshwater bodies such as Te Awa Kairangi Hutt River. Based on the current design detail, it appears the NES-F is not triggered for CVL, as there are no natural inland wetlands within the feasible alignment footprint and reclamation of Te Awa Kairangi is not envisaged. This should be confirmed.
Resource Management (National Environmental Standards for Sources of Drinking Water) Regulations 2007 (NES-DW)	The NES-DW has not been fully considered, however it may apply if there were any impacts on private drinking water supplies. Such impacts might include whether a private drinking water supply bore needs to be relocated because of the P2G (in particular) construction.

Confirm lack of natural inland wetlands within feasible alignment footprint, and no reclamation of Te Awa Kairangi

Applicability of the NES-DW to be checked and confirmed on a case-by-case basis in the next design and development project phase

3.3 Relevant regional and district planning context

3.3.1 Planning overlays and notations

The Project is located within the Greater Wellington region under the jurisdiction of Greater Wellington Regional Council and Hutt City Council.

The Project area is subject to the plan zones, overlays and notations of the GWRC NRP and the Hutt City District Plan (HDP), as described in **Appendix A**. These overlays and notations provide guidance on the environmental values within the project area.

3.3.2 Assumptions

Based on the current level of design information, the following assumptions have been made:

- There are no outstanding water bodies or outstanding wetlands in the Project area - NRP
- There are indigenous freshwater species present in Te Awa Kairangi Hutt River and relevant tributaries - NRP
- There are no outstanding natural landscapes or outstanding natural features – HDP
- No loss of specifically identified Māori land
- There are no works in the Coastal Marine Area
- There may be unlisted pre-1900 buildings along the feasible alignment.

Review assumptions underpinning the Approvals Assessment in the design and development stage of project, and update Assessment if required.

3.3.3 Greater Wellington Regional Policy Statement (RPS) and Natural Resources Plan (NRP)

The RPS and NRP include an effects management hierarchy for effects on aquatic environments (including the loss of river extents and values) and significant indigenous biodiversity values, which gives effect to the requirements in the NPS-FM and the NPS-IB. This framework recognises that adverse effects are not always able to be avoided, minimised or remedied, and therefore offset mitigation or compensation may be required. The RPS includes a set of principles for aquatic and biodiversity offsetting and compensation and requires that functional need is demonstrated for the location of the proposed development.

There are a variety of objectives and policies which relate to the effects of development, including in relation to migration and breeding periods for aquatic species, maintaining natural flow characteristics and hydrodynamic processes and avoided creating new fish passage barriers. These will be relevant during construction, but do not, in and of themselves prevent construction of CVL.

3.3.4 Hutt City District Plan (HDP) – operative and proposed

Based on the current level of design, there appears to be nothing in either the operative or proposed HDP which would preclude construction and operation of CVL. There is a requirement to demonstrate functional or operational need when locating infrastructure in a high hazard area, as would be the case for sections of the feasible alignment. The effects management hierarchy would apply to any significant effects associated with a loss of indigenous biodiversity.

3.3.5 Existing designations and resource consents

There are no relevant existing HCC designations that would apply to CVL. Based on the current design information, constructing CVL would not require land that has already been designated by other Requiring Authorities. There is, however, designated land immediately adjacent to the feasible alignment footprint, and care should be taken with project boundaries. Any works within a designated site would require written approval from the relevant Requiring Authority.

There are no known existing relevant resource consents.

Existing third-party consents are particularly relevant where partial land acquisition is proposed. A screen for existing consents (via GWRC and HCC consent databases) within and adjoining the project area is recommended once the designation footprint is confirmed, with a particular focus on any partial land acquisition sites and adjoining properties that may be affected by the project. Alternatively, issues can typically be identified through consultation with landowners.

Screen for existing resource consents within and adjoining the project area before commencing property acquisition.

4 LIKELY REQUIRED APPROVALS

4.1 Resource Management Act

Assuming that the works required to implement CVL are largely within the existing road corridor, other than a new bridge over Te Awa Kairangi Hutt River, based on the existing level of design, the anticipated RMA approvals required for CVL are:

- A new designation to undertake the required road widening and construct the bridge abutments for a new bridge over Te Awa Kairangi.
- Regional resource consents from Greater Wellington Regional Council (GWRC) for construction of the new bridge and for road widening. Regional resource consents would likely be required for:
 - Bulk earthworks and land disturbance
 - Vegetation clearance
 - Disturbing and depositing material on the bed of Te Awa Kairangi Hutt River
 - Taking, using, damming and diverting water during construction of CVL
 - Dewatering during construction within the Hutt Valley Aquifer Protection Zone
 - Discharges from contaminated land to land and water
 - Discharges of contaminants to Schedule F1 sites
 - Discharge of sediment and sediment-laden stormwater from earthworks and vegetation clearance, and placement of structural fill material
 - A land use consent under the NES-CS from Hutt City Council (HCC) for disturbing contaminated land

A request to waive the requirement for an Outline Plan is recommended, as it is likely sufficient detail would be provided in the Notice of Requirement.

4.1.1 Enabling works

Enabling works to facilitate further design and construction will require geotechnical investigations to establish ground conditions. These works will likely require a resource consent for at least a Controlled Activity (NRP Rule R166), as the bores may need to be deeper than 5m in the Hutt Valley Aquifer Protection Zone (NRP Rule R165).

This application could be progressed separately to the applications for the wider CVL project, so that any enabling works can progress in parallel to preparing the substantive application and having this considered by decision-makers.

A Detailed Site Investigation will also be required – disturbing contaminated land to undertake this investigation is a permitted activity under both the NES-Soil (Regulation 8) and the NRP (Rule R81).

4.2 Other statutory approvals required

There are no known existing other statutory approvals for CVL.

Statutory approvals may be required:

- Heritage New Zealand Pouhere Taonga Act 2014 – an archaeological authority may be required, as there is a risk there are pre-1900 residential properties along the feasible alignment corridor that may be directly affected. This should be confirmed with an archaeological survey.
- Wildlife Act 1953 – Wildlife Act authority – A wildlife permit to collect, hold, relocate or accidentally kill protected wildlife species during construction of CVL may be required. An ecological assessment is required by a suitably qualified ecologist to provide certainty if a wildlife permit is required.

Statutory approvals may also be required under the Local Government Act 1974 and/or the Public Works Act 1981 for road stopping. The Property Strategy explores these requirements in more detail.

5 KEY STATUTORY ISSUES

The only currently known statutory issue for CVL relates to the potential for non-complying activities. In order to grant a resource consent for a non-complying activity, a consent authority must be satisfied that either the effects will be minor or the activity is not contrary to the objectives and policies of the relevant plan or proposed plan.

NRP Rule R93 makes discharges to sites or habitats in Schedule C (mana whenua) and Schedule F1 (rivers/lakes) a non-complying activity unless other rules make the discharge a permitted, controlled, restricted discretionary or discretionary activity. Te Awa Kairangi Hutt River is a Schedule F1 site.

Other than a permitted activity rule for minor discharges, there appear to be no other relevant rules. There is currently insufficient design detail to determine whether the permitted activity conditions could be met, and hence there is uncertainty about whether a non-complying activity status would be triggered.

The non-complying activity status is also relevant as, under the principle of consent bundling where activities are unable to be separated the most restrictive activity status applies, which would likely render all regional consents required for CVL as non-complying. This would result in application of the 'gateway test' in s104D, that either the effects are minor or the activity is not contrary to the objectives and policies of the NRP. The requirement for offsetting has already been identified by the project ecologists, as effects on indigenous and aquatic biodiversity will be more than minor. A more detailed assessment of the relevant NRP objectives and policies is required to ensure CVL will not be contrary (second part of the 'gateway test').

6 KEY ENVIRONMENTAL AND PLANNING CONSTRAINTS

6.1 Preliminary Technical Reviews

The following environmental effects were considered as part of multi-criteria analysis to identify the feasible alignment:

- Cultural effects
- Effects on terrestrial and freshwater ecology
- Landscape and visual effects
- Social and community effects
- Local network effects - traffic and transportation

- Effects on archaeology and historic heritage
- Natural hazard resilience
- Economic

The technical assessments informing the MCA processes were based on expert knowledge and a qualitative desktop assessment. The expert assessment memos are provided as Appendix A to the Petone to Grenada Short List to Emerging Preferred report⁵.

A summary of potential effects identified to date is set out in Table 4, based on the current level of design. All effects will require further consideration as the design is developed. The scope and level of detail for further technical assessment should be commensurate with the project scope. This should be identified as part of updating this Approvals Assessment into a Consent Strategy. The following assessments are considered as likely to be required, to either support a NoR, land use consent to disturb contaminated land or a regional resource consent:

- Air quality
- Climate change and natural hazard resilience
- Construction approach
- Contaminated land
- Cultural values
- Ecology – terrestrial and aquatic
- Historic heritage – archaeology and built heritage
- Hydrology/hydrogeology
- Landscape and visual
- Noise and operation
- Social impact, including recreation
- Stormwater
- Transport

Table 4: Cross Valley Link summary of effects

Topic	Summary of effects
Cultural	• Potential impact on Opahu/Okautu Stream (Black Creek) – “Kautu” means fordable, this stream, for the most part sluggish and deep, being fordable by wading at a place somewhere near Whites Line. • Located adjacent to Waiwhetu Pā, Owhiti Urupa and Te Kakano o te Aroha Marae.
Freshwater Ecology	• Construction effects related to bridge construction over Te Awa Kairangi. • Construction effects and potential culvert extensions on unnamed tributaries of Te Awa Kairangi and Waiwhetu Stream
Terrestrial Ecology	• Construction effects related to bridge construction over Te Awa Kairangi.

⁵ Investment Case Appendix E - P2G Shortlist to Emerging Preferred Report, May 2025

Topic	Summary of effects
Archaeology	• Loss of or impact on pre-1900 houses and archaeological sites. • Loss of or impact on post-1900 heritage buildings
Social and community	• Potential adverse effect on community assets and access along Randwick Road • Short-term disruption during construction • Positive effect on east-west connectivity with new river bridge
Resilience	• No specific positive or adverse effects identified, based on the current level of information.
Local network	• Increased traffic volumes on some links, particularly residential areas on Wakefield Street and Whites Line West • Changed traffic volumes affecting safety, walking and cycling. • .
Landscape and visual	• Based on the current level of design, no specific adverse landscape effects currently identified

6.2 Key Mitigation Areas

Application of the effects management hierarchy, including requirements for aquatic and biodiversity offsetting and compensation, will apply to any loss of river extent or values for the new bridge over Te Awa Kairangi Hutt River.

The effects management hierarchy would also apply if a field assessment identifies natural inland wetlands, and these are impacted by CVL.

Finding suitable offset near the project is a consenting and programme risk. Measures to minimise direct impacts and/or efforts to identify suitable offset/compensation options should be considered early. A review of potential mitigation/compensation costs and locations is recommended as part of the CVL Investment Case.

A review of potential mitigation/compensation costs and locations is recommended as part of the CVL Investment Case.

A modified effects management hierarchy, as set out in the NRP and the HDP, also applies to effects on sites of significance to Māori. Whilst there is an initial understanding of the potential effects and their scale on site of significant to Māori, based on existing available information, this will require confirmation with the relevant iwi trusts and iwi members (through engagement). The scale of effects may change, and this will influence the extent (if any) to which this effects management hierarchy would apply.

Engagement required with iwi trusts and iwi members to determine extent, if any, of effects on site of significance to Māori

7 RISK AND OPPORTUNITY

The potential risks and opportunities associated with the relevant statutory processes for CVL are described in **Appendix B**. There are currently no significant risks identified that might material affect consenting CVL. The risks and opportunities should be reviewed as part of updating this Assessment into a Consent Strategy.

8 ASSESSMENT OF ALTERNATIVES

8.1 Assessment to Date

The option assessment methodology undertaken to identify the feasible CVL is set out in Figure 2. The process of identifying a long-list, short-list and the preferred option is set out in:

- CVL Feasibility Report Appendix D - CVL Longlist to Shortlist Report, May 2025
- CVL Feasibility Report Appendix E - CVL Shortlist to Emerging Preferred Report, May 2025

The various options were assessed against the project objectives (see Section 2.1.1) as well as key effects categories using a consistent set of criteria as part of a Multi-Criteria Analysis.

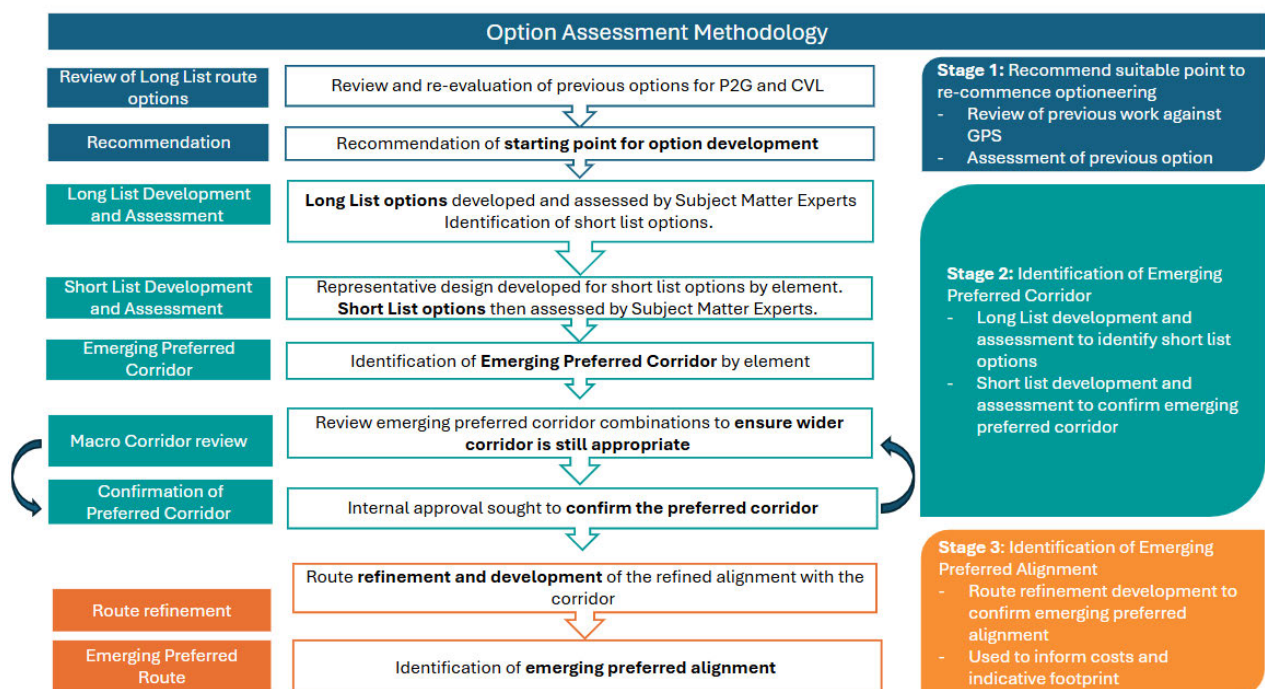


Figure 2: Option Assessment Methodology

The CVL feasible alignment was identified as the preferred option because it:

- Delivers travel time savings through the connectivity provided between Hutt Road and Randwick Road, and access into the wider Hutt transport network.
- The least number of properties are affected.
- It has the lowest cost estimate and provides the highest value for money.
- It provides better access to housing growth areas in the Hutt Valley.

8.2 Further Assessment Needed

Further alternatives assessment may be required as the design develops, particularly in relation to:

- Section 171(1)(b) –Alignment refinement within the preferred route corridor, to reduce property acquisition where feasible and appropriate
- Section 88 and Schedule 4 Cl 6 RMA – Alternative locations or methods for impacts on Te Awa Kairangi Hutt River and any potential loss of indigenous biodiversity or aquatic values
- Section 105(1)(c) RMA – Identification and consideration of possible alternative methods or receiving environments for stormwater discharges during construction and operation.

9 APPROVALS STRATEGY

Resource consents would likely be required under the operative HDP for construction activities associated with CVL, including bulk earthworks and land disturbance, noise, construction of the new bridge across Te Awa Kairangi, ground improvement works (if required), upgrading local road intersections and creating new local road connections. The relocation, removal and/or upgrade of existing reticulated services would likely not require a resource consent, although this should be confirmed when more detailed design information is available.

Whilst the most restrictive activity status appears to be Discretionary and hence there is no requirement to meet the s104D gateway test, a designation is recommended for route protection and construction of CVL. The primary reason is to trigger any required property acquisition under the PWA, as small areas of land are required for the required intersection improvements, for creating a new road connection between Trevethick Grove and Saulbrey Grove and for locating the new bridge abutments. However, a designation may not be required in the long term for CVL.

The next update of this Approvals Assessment should consider whether, once constructed, the designation was uplifted by HCC, at least in relation to Wakefield Street, Whites Line West, Randwick Road etc. It may be appropriate to retain the designation for the bridge abutments, as this would enable ongoing maintenance activities including on top of the Te Awa Kairangi stopbanks.

If a designation is notified, it is recommended that an Outline Plan Waiver is sought under s176A of the RMA at the time of giving notice of the designations, as sufficient detail is expected to be provided in the Notice of Requirement.

A separate Notice of Requirement is recommended if amendments to designations held by other Requiring Authorities are necessary, although the current assumption is that this would not be required.

9.1 Lapse and Expiry Dates

9.1.1 Designation lapse date

Unless specified in the NoR, a new designation will lapse five years after the date it is included in the district plan (Section 184 RMA). It is recommended that a lapse date of 10 years is proposed in the NoRs for this project. This is to provide maximum delivery timeframe flexibility, as the timing for funding and hence construction has not yet been confirmed.

9.1.2 Resource consent lapse dates and duration

Section 125 RMA provides that a resource consent lapses on the date specified in the consent or, if no date is specified, five years after the commencement of the consent. It is recommended that a lapse date of 10 years is proposed in the resource consent applications for this project, to be consistent with the designation lapse period and provide maximum delivery timeframe flexibility.

Section 123 RMA sets out the duration of consent types. The default timeframe for most consent types is unlimited, unless otherwise specified in the consent. As some councils, including GWRC, impose durations on resource consents that would otherwise be unlimited, it is recommended that a duration of 10 years is proposed for all construction-related resource consents for this project. This is to align with the predicted construction timeframe of up to five years for the project.

The activities which might require long term operational consents are any ongoing discharges from contaminated land, structures in the bed of Te Awa Kairangi Hutt River. The maximum duration of 35 years should be sought for these consents.

9.2 Additional Consents

9.2.1 Fill disposal

Resource consents will likely be required to dispose of any fill generated during construction, unless chosen disposal sites already have resource consents. As the design develops and there is more certainty about fill volumes and disposal requirements, consideration should be given to how any additional fill sites are consented. Where a fill site already has a resource consent, variations may be required to allow for the deposition of additional fill or if existing consent conditions are no longer appropriate.

9.2.2 Enabling works

Enabling works to facilitate further design and construction will require geotechnical investigations to establish ground conditions. A resource consent from GWRC for at least a Controlled Activity (NRP Rule R166) is also likely, as the bores may need to be deeper than 5m in the Hutt Valley Aquifer Protection Zone (NRP Rule R165). Any required consent application(s) for geotechnical investigations is recommended to be progressed separately to the referral/substantive applications for P2G – a standard Council pathway is recommended as geotechnical investigations are a standard activity, with known environmental effects and a non-notified consent process is anticipated.

A Detailed Site Investigation will also be required – disturbing contaminated land to undertake this investigation is a permitted activity under both the NES-CS (Regulation 8) and the NRP (Rule R81).

10 RMA APPROVALS PATHWAY AND PROGRAMME

The RMA approvals pathway options considered relevant for this Project are:

- **Council pathway** – lodge with council; then notification and council hearing; and (if needed), follow to Environment Court if decisions are appealed.
- **Direct referral** – lodge with council; notification; then request direct referral to the Environment Court (s87D RMA) – this requires the agreement of the relevant council, and the request for direct referral must be made in the period between lodgement and five days after close of submissions.
- **Board of Inquiry or Environment Court** – lodge with EPA (s145 RMA) requesting consideration as, or as part of, a proposal of national significance and referral to a BOI or Environment Court for a decision.

- **Fast Track Approvals Act (FTAA)** – submit a referral application with MfE (s13 of the FTAA), then lodge a substantive application with the EPA (s42 FTAA). Eligibility for the FTAA relies on the Project meeting the following requirements (s22 FTAA):

Table 5: FTAA eligibility criteria for CVL

S22(1) criteria	Met by CVL?	Evidence
(a) the project is an infrastructure or development project that would have significant regional or national benefits	?	CVL is an infrastructure project. The significance of the regional benefits is derived from the transport modelling and the assumed outcome of the economic benefits assessment, which was not available at the time of issuing this Approvals Assessment.
(b) (i) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes;	?	The likelihood of appeals if CVL proceeded through a standard Council process is unclear.
(b) (ii) is unlikely to materially affect the efficient operation of the fast-track approvals process.	✓	There is nothing unique about CVL to suggest it would materially affect the efficient operation of the fast-track approvals proposal.
Relevant S22(2)(a) considerations		
(i) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:	✓	CVL was identified as a RoNS in the 2024 GPS
(ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:	?	Is it possible that CVL may meet the definition of regionally significant infrastructure in the GW RPS (see Section 3.2.2).
(iv) will deliver significant economic benefits:	✓	Assumed as the economic benefits evaluation was not available at the time of preparing and issuing this Approvals Assessment
(x) is consistent with local or regional planning documents, including spatial strategies	✓	CVL is identified in the Wairarapa-Wellington-Horowhenua Future Development Strategy and the Wellington RLTP 2021: Mid term review 2024.

10.1 Recommended approval pathway

The organisation to be responsible for delivery CVL is currently undetermined, and timing for project delivery, including anticipated construction start date, has not been confirmed. It is currently uncertain whether CVL would meet the entry criteria for the FTAA, despite being identified as a RoNS in GPS 2024.

For these reasons, **standard council pathway is recommended for CVL**, with the option for Direct Referral if required, for the following reasons:

1. There appears to be nothing in the existing national, regional or district policy environment which would prevent CVL from being constructed or operated, or which would impose significant impediments to consenting. The activities required to construct and operate CVL are known, and similar projects have been recently consented i.e. RiverLink and Silverstream Pipe Bridge replacement.
2. Unlike the FTAA process, there is no requirement to demonstrate a specific project benefit to use the standard RMA process.
3. The option to seek Direct Referral to the Environment Court remains if it is evident from any submissions that there are issues that are significant enough to warrant this, including in relation to potential appeals.
4. The standard RMA process retains the ability to amend the application if required, once lodged, and to put the application on hold if required to resolve a particular issue.

If CVL was to be considered for the fast track approval process, understanding whether the project would meet all entry criteria is critical.

As part of reviewing this Assessment and updating it to a Statutory Approvals Assessment, this recommendation should be revisited once the timing and delivery agency for CVL is confirmed.

11 KEY ACTIONS

The following key actions are recommended as part of assessing the consent requirements for CVL:

1. As part of an Investment Case to confirm funding for CVL, the objectives applying to CVL will require development, including ensuring they are appropriately worded to support any future Notice of Requirement.
2. Review Approvals Assessment following enactment of the Resource Management (Consenting and Other Systems Changes) Act and gazetting of relevant NPS changes, enactment of the Public Works (Critical Infrastructure) Amendment Act and introduction of the Planning Bill and Natural Environment Bill.
3. Confirm lack of natural inland wetlands within feasible alignment footprint, and no reclamation of Te Awa Kairangi
4. Applicability of the NES-DW to be checked and confirmed on a case-by-case basis in the next design and development project phase
5. Revisit assumptions underpinning this Approvals Assessment once design is developed further. Changed assumptions may require an update to the assessment.
6. Identify whether there are natural inland wetlands in the feasible alignment
7. Screen for existing resource consents within and adjoining the project area before commencing property acquisition.

8. Engagement required with iwi trusts and iwi members to determine extent, if any, of effects on site of significance to Māori.
9. Determine scope of further technical assessments as part of updating this Approvals Assessment into a Consent Strategy.
10. A review of potential mitigation/compensation costs and locations is recommended as part of the CVL Investment Case.
11. Review risks and opportunities as part of updating the Approvals Assessment into a Consent Strategy.
12. If CVL was to be considered for the fast track approval process, understanding whether the project would meet all entry criteria is critical, including whether CVL meets the definition of Regionally Significant Infrastructure.
13. Review and update Statutory Approvals Assessment to a Consent Strategy once there is visibility over funding and construction timing.

APPENDIX A PLANNING OVERLAYS

There are a variety of planning overlays applying to the properties proposed to be designated for CVL.

Table A.1: Planning overlays

Zoning/planning limitation	Comment
GW Natural Resources Plan	
Freshwater management units (PC1)	Te Whanganui-a-Tara
Schedule B – Ngā Taonga Nui a Kiwa	Te Awa Kairangi – Ngāti Toa Rangatira and Taranaki Whānui
Schedule C – sites with significant mana whenua values	Waiwhetu Stream – Owhiti Pā - pā, urupā, kāinga, tauranga waka, mahinga kai, urupā, wāhi tapu (battle site), ara waka
Schedule F1 – Ecosystems and habitats with significant indigenous biodiversity values	Te Awa Kairangi/Hutt River - Bluegill bully, common bully, Cran's bully, dwarf galaxias, giant bully, giant kokopu, inanga, koaro, lamprey, longfin eel, redfin bully and shortfin eel
Schedule F2 – Inanga spawning habitat	Te Awa Kairangi/Hutt River – from mouth to upstream of Ava Rail Bridge
Schedule H1 – Regional significant primary contact recreation	Te Awa Kairangi/Hutt River
Surface water community drinking water supply protection area	Te Awa Kairangi/Hutt River
Groundwater community drinking water supply protection area	Entire feasible alignment
Category 1 Surface Waterbodies	Te Awa Kairangi/Hutt River – from mouth to upstream of Ava Rail Bridge
Category 2 Surface Waterbodies	Entire feasible alignment

Zoning/planning limitation	Comment
Hutt Aquifer Protection Zone	Entire feasible alignment
River classes – class 4	Te Awa Kairangi/Hutt River
Whitebait Migration Zones	Te Awa Kairangi/Hutt River
Hutt City District Plan – operative and proposed	
Coastal Hazard Overlay – Tsunami – operative and proposed	Parts of the feasible alignment are located within the low, medium or high Tsunami Hazard Overlay
Coastal Hazard Overlay – Inundation – operative and proposed	The entire feasible alignment is located within the Medium Coastal Inundation Hazard Overlay. Te Awa Kairangi is within the High Coastal Inundation Hazard Overlay.
Flood Hazard Overlay	The entire feasible alignment is located within areas identified as being subject to flood inundation or overland flow paths.
Flood Hazard Overlays – proposed	The entire feasible alignment is located within areas identified as being at low, medium or high risk of flooding
Liquefaction overlay	The entire feasible alignment is located within this overlay
Wellington Fault Overlay – operative and proposed	The western end of the feasible alignment, at the intersection of Wakefield Street and Hutt Road, is within the fault location area.
Te Awa Kairangi Hutt River – primary river corridor	Location of proposed new bridge crossing.

APPENDIX B RISKS AND OPPORTUNITIES

Table B.1: Risks and opportunities

		Risk/Opportunity	Category	Impact	Potential treatment
1	R	Insufficient land/stream extent available for aquatic and/or biodiversity offsetting or compensation	Implementation Financial	The Project is unable to demonstrate that the effects management hierarchy has been appropriately implemented. The loss of values and/or extent cannot be sufficiently offset or compensated for. The cost of providing offsetting or compensation is prohibitive	Design refinement to reduce extent of loss of stream extent and/or values and indigenous biodiversity to the extent practicable. Early identification of quantum of offsetting or compensation requirements Early search for appropriate offset or compensation locations.
2	R	The decision-making environment becomes more difficult before the applications are submitted, for example due to RMA amendments, new or updated National Policy Statements, the outcomes of the RPS Change 1/Variation 1 and NRP Plan Change 1 process and/or changes to the Hutt City District Plan as a result of the plan review.	Programme Implementation Financial	Results in potential for rework to assess additional requirements and/or change the design, which may delay consent lodgement and increase application preparation costs.	Monitor and assess impacts legislative and statutory framework changes. Review consent strategy if required.
3	R	Ngāti Toa and/or Taranaki Whānui, and/or other key partners and stakeholders, do not support the project or actively objecting.	Reputational Programme Implementation	Results in a loss in support for the project as a result.	Manage and mitigate risk through project governance, the Communications Framework and the Community Engagement Plan Allow sufficient time in the programme for engagement and consultation as part of application preparation.

		Risk/Opportunity	Category	Impact	Potential treatment
4	R	Onerous designation and/or resource consent conditions.	Implementation Financial Programme	Onerous conditions may increase time and cost to meet requirements, necessitate an appeal and/or may reduce future design and construction flexibility.	Work closely with technical specialists to refine conditions needed to mitigate specific effects of the proposal only. Liaise with GWRC and HCC before lodgement and during processing (if using RMA process) on recommended conditions, to get alignment between each consent authority and the applicant.
5	R	Disagreement on plan interpretation, which influences what consents are required and the necessary extent of the designation area to mitigate effects (e.g. extended area needed for works in road corridor could arise).	Programme	A risk that consents or designations are needed for road modification works within existing road corridor beyond the core project area.	Engage with GWRC and HCC on rule interpretation and document agreement on interpretation arising from this.
6	R	The assessment of alternatives does not meet the requirements of s171 of the RMA.	Programme Reputational	The application could be put on hold whilst further information is required or the application could be declined on the basis that insufficient consideration has been given to alternatives. May impact property acquisition under the PWA.	Review alternative design options where property acquisition is required, and for loss of stream extent and/or values and indigenous biodiversity, to determine if there are alternatives with less impact.
7	R	Construction of the new bridge for CVL may breach the Waiwhetū Artesian Aquifer	Environmental	Breach of the pressurised aquifer which requires appropriate sealing. Contamination of the aquifer because of construction activities.	Piling design is developed sufficiently to understand depth of aquifer and aquitard, potential effects and mitigation options.

		Risk/Opportunity	Category	Impact	Potential treatment
8	R	The HCC designation purpose for CVL is unclear.	Reputational	Unable to meet relevant RMA statutory tests, including whether the designation is the most appropriate means to achieve the requiring authority's objectives.	Confirm and clarify the HCC designation scope, extent and nature of proposed physical public work and designation purpose.
9	R	Accidental discovery during construction of lizards, threatened birds (or nests), etc.	Implementation Environmental	Death or injury to unexpected fauna protected by the Wildlife Act, without the appropriate permits.	Preparation of appropriate management plans and accidental discovery protocols.
10	O	Changes to the RMA and/or national direction such as introduction of a new NPS Infrastructure	Programme Implementation Financial	May result in a more enabling policy environment which removes the 'avoid' policies	Monitor and assess impacts legislative and statutory framework changes. Review consent strategy if required.