

Your Comment on the Ryans Road Industrial Development application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at substantive@fastrack.govt.nz

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
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2. We will email you draft conditions of consent for your comment			
X	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

3. Please provide your comments on this application
Please find comments attached

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Comments on a fast-track consenting application

Fast-track Approvals Act 2024 Section 53

To: The Expert Panel

From: Director-General of Conservation

Regarding fast-track project: Ryans Road Industrial Development

Fast-track Reference: FTAA-2504-1054

Background

1. Carter Group Limited ("the Applicant") has applied for a resource consent approval and a wildlife approval under the Fast-track Approvals Act 2024 ("the Act"). The Ryans Road Industrial Development application is to subdivide and develop 55-hectares of land for industrial purposes at 104 Ryans Road, Christchurch, adjacent to Christchurch International Airport. The proposed development will deliver 126 freehold industrial lots, with infrastructure such as roads, three-waters utilities, and landscaping.
2. The proposal is not on, or near, Public Conservation Land.
3. The Department of Conservation ("the Department") was approached for pre-application consultation prior to the Applicant lodging its substantive application, specifically in relation to Wildlife Act aspects of the development. In summary the Department recommended the Applicant:
 - a. Undertake further actions, including a full lizard survey, to inform if protected species are present on-site, as a Wildlife Approval is only required if there is sufficient information that protected species are present.
 - b. Prepare a Lizard Management Plan, to support the information requirements prescribed in clause 2 of Schedule 7 of the Act, if surveys determine that lizards are present.
 - c. Consider whether a Fish Passage Authority is required in accordance with the Freshwater Fisheries Regulations 1983.
 - d. Fully consider the relevant biodiversity and environmental effects as part of the full AEE application.
 - e. Engage directly with iwi in accordance with s 29 of the Act.

Department of Conservation advice

Selwyn District Council Water Race Bylaw approval

4. The Assessment of waterways and wetland values undertaken by PDP for the Applicant notes that approvals under the SDC Water Race Bylaw 2008 will be obtained as required prior to any works within the water race.
5. The Department agrees and considers that the Applicant will need to seek approval from Selwyn District Council under the Selwyn District Council Water Race Bylaw 2008 for any proposed damming, diversion or culvert installation within the water race that runs along Ryans Road. Approval will need to be sought outside of the Fast-Track process.

Herpetofauna values

6. In Appendix 5 of Minute 3 the Expert Panel has identified matters that it would like to have comment on. These matters are addressed below with reference to the report prepared by the Director-General of Conservation pursuant to s 51(2)(c) of the Act ("the s 51 Report").

- a. The adequacy of the proposed resource consent conditions associated with the management for effects on lizards and lizard habitat and tracked changes of any amendments requested.*

The applicant provided an updated set of consent conditions on 15 August 2025. The conditions relating to lizards are detailed in Part 2 of the of the Christchurch City Council Subdivision Conditions. The Department has subsequently provided comment on the adequacy of these conditions, including tracked changes of any amendments required, in Appendix A of the s 51 Report.

- b. The adequacy of the Lizard Management Plan provided in Appendix 7 Lizard Habitat Assessment and Lizard Management Plan.*

As detailed in section 7 of the s 51 Report, the Applicant and the Department have engaged collaboratively following lodgement of the substantive application, in line with the Panel Convener's recommendation to work together on resolving issues and conditions. This led to the Applicant providing an amended Lizard Habitat Assessment and Lizard Management Plan ("LMP") on 15 August 2025 (the "Revised LMP"). Compared to the original LMP provided in Appendix 7, the Revised LMP identifies and describes a release site for any salvaged lizards.

The s 51 Report confirms that the Revised LMP includes appropriate methodologies for salvage and relocation, identifies a suitable release site, and proposes appropriate habitat

enhancement measures. However, the following additional observations and recommendations were made:

- The Revised LMP is suitable only for southern grass skinks and McCann's skinks. Other species listed in the Revised LMP (e.g. Canterbury spotted skink, jewelled gecko) that are unlikely to be present would require different management, if detected.
- The release site in the Revised LMP, with habitat enhancement, is suitable for the expected numbers of southern grass skinks and McCann's skinks to be salvaged. However, long-term protection of the release site remains uncertain and should be addressed.
- Additional conditions are recommended, to ensure best practice in lizard capture, handling, and monitoring, including seasonal timing, capture techniques and reporting protocols.
- The Department recommends conditions to require that lizard handling be carried out only by, or under the direct supervision of, a suitably qualified herpetologist. We note that Lachie Davidge (who is the LMP author) would be supported as suitably qualified. The Department otherwise requests opportunity to review the credentials and confirm suitability of any alternative supervising ecologist.
- The Applicant states the LMP is a "living document". The Department has concerns that description suggests it can be unilaterally amended by the Applicant in future. The Department recommends conditions that link the wildlife approval to the Revised LMP dated August 2025 to clarify that once approved, the Revised LMP can only be amended by varying the wildlife approval.

- c. *Pursuant to section 51(1) of the Act, the Director-General of Conservation is to file a report advising how the weighting of matters set out in Schedule 7, clause 3 of the Act should be approached, 19 having regard to relevant senior court decisions.*

The Department has provided a report addressing this request as Appendix C to the s 51 Report. The report concludes that relevant matters should first be individually assessed, uninfluenced by the purpose of the Act, "before standing back and conducting an overall balancing" where the purpose of the Act is to be given greatest weight.

- d. *Pursuant to section 51(2)(c) of the Act, if the Director-General of Conservation does not agree with, or wishes to amplify, the expert and planning assessment lodged in support of the wildlife approval, it must file a report in accordance with Schedule 7, clause 3.5.*

As detailed in section 3 of the s 51 Report, the Director-General concluded that, subject to recommended conditions being imposed, the proposed activities are broadly consistent with the purpose of the Wildlife Act. In summary, conditions that are recommended:

- limit the approval to southern grass skinks and McCann's skinks;
- require best practice salvage and handling methods;
- require monitoring and reporting on habitat establishment and lizard outcomes.

e. *Whether the Director-General considers that the Applicant applied for the permit to relocate ('liberate') the salvaged lizards, whether there are any related scope issues arising under the substantive application and, if so, how might any such issues be resolved (whether by certifying condition or otherwise).*

The Assessment of Effects on the Environment (AEE) states "*approvals for a Wildlife Act Authority (WAA) Permit are sought under s 42(4)(h) of the Act for disturbing native lizard habitat and for the capture and relocation of any native lizards*". The Department therefore considers that the Applicant has applied for a permit to relocate ('liberate') salvaged lizards.

The initial AEE and supporting LMP did not identify a relocation site, but it became evident that the applicant was proposing a relocation site some distance away from the salvage site. The Director-General raised a concern about that proposed relocation site not being identified in the application. However, in the Revised LMP (dated August 2025) the Applicant has proposed relocating salvaged lizards to a site within the overall development site, that being Grays Road Stormwater Management Area. The Director-General is satisfied that the Grays Road relocation site is within scope of the application.

However, that site is only suitable for southern grass skinks and McCann's skinks. Therefore, if any other species (e.g. Canterbury spotted skink, jewelled gecko) are found (which it is accepted is unlikely) the Director-General considers a new authorisation would be required because a relocation site suitable for those other species would be out of scope.

f. *Any other relevant matters within the jurisdiction of the Director-General.*

The Department considers that there are no other relevant matters.

Conditions

7. The Department provided commentary on the condition set within Appendix A of the s 51 Report. This commentary was limited to conditions in relation to the wildlife approval sought.
8. The Department has provided additional comments below on the Applicant's proposed resource consent conditions that, if addressed, may help ensure that the adverse effects on the environment are avoided, remedied, minimised, offset or compensated.
9. All additions proposed by the Department are underlined, and all deletions proposed are ~~struck-through~~.

Canterbury Regional Council Water Permit Conditions

10. **Condition (11)(b)** should be amended as follows to include footnotes and reference to the Ministry for the Environment's National works in waterways guidelines:

Be in general accordance with Canterbury Regional Council and Christchurch City Council's "Fish Salvage Guidance for Works in Waterways" (12 October 2017)¹ and the Ministry for the Environment's "National works in waterways guideline" (2021)².

11. **Condition 11(c)** should be amended as follows to ensure salvaged freshwater fish are released at an appropriate site:

The fish must be relocated to a habitat deemed suitable by the certified, suitably qualified and experienced freshwater ecologist after consultation with appropriate experts from the Ministry for Primary Industries, the Department of Conservation, and Fish and Game.

Conclusion

12. Approval will need to be sought from SDC outside of the fast-track process for the proposed damming, diversion and permanent piping of the water race.
13. The Department considers that amendments, as detailed above, can be made to proposed conditions to ensure that fish are adequately protected during the undertaking of works in waterways.
14. The Department welcomes the opportunity to comment further on draft conditions as set out in section 70 of the Act.

¹ Burrell G, Gray D. 2017. *Fish salvage guidance for works in waterways*. Prepared for Environment Canterbury Regional Council and Christchurch City Council. Christchurch: Canterbury Regional Council and Christchurch City Council.

² Ministry for the Environment. 2021. *National works in waterways guideline*. Prepared for the Ministry for the Environment by Boffa Miskell Limited. Wellington, New Zealand: Ministry for the Environment. <https://environment.govt.nz/assets/publications/works-in-waterways-guideline.pdf>.

15. Thank you for the opportunity to comment.



Jenni Fitzgerald

Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 10 September 2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011