

9 MARCH 2026

## MEMORANDUM

**To** The Expert Panel, Ryans Road Industrial Development [FTAA-2504-1054]

**From** Bridget Bailey, Vanessa Hamm, Holland Beckett

### National Policy Statement for Infrastructure 2025 – Advice on Policies 10 and 11

1. We set out below our advice on the following matter as directed in Minute 13 of the Expert Panel for the Ryans Road Industrial Development:
  - (a) There are conflicting views as between the Applicant, CCC, and CRC and CIAL and Airways regarding assessment of the National Policy Statement for Infrastructure 2025 (NPS-I) Policy 10 and Policy 11. Please advise on the interpretation and application of these policies in the circumstances of this case.

### NPS-I – Policies 10 and 11

2. In providing this advice, we have reviewed the various Memoranda and comments by the Applicant, Christchurch City Council, Canterbury Regional Council, Christchurch International Airport Ltd and Airways regarding the application of Policies 10 and 11 to the Ryans Road Industrial Development.
3. Policies 10 and 11 contain directives to decision-makers as follows:<sup>1</sup>
  - (a) Policy 10(1) provides “*Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure: ....*”.
  - (b) Policy 10(2) provides “*Decision-makers on planning instruments must....*”
  - (c) Policy 11(1) provides “*When assessing and managing the interface between existing and planned infrastructure with other activities, including new or intensified sensitive activities, through planning instruments, decision-makers must: ...*”
4. Policies 10(1) and (2) are clear, in that they anticipate decision-makers must fulfil certain obligations contained within that policy when making decisions on planning instruments.
5. The wording of Policy 11(1) is grammatically different, but in our view this does not affect its application. Our read of the obligation in Policy 11(1) is that it requires decision-makers to assess and manage the interface between existing and planned infrastructure with other activities through planning instruments, and that this obligation applies to new or intensified sensitive activities. Our opinion is that in this context the term ‘through’ is used as a preposition, meaning ‘using’, ‘via’, or ‘by means of’. Read this way, the decision-maker manages the interface between existing and planned infrastructure with other activities through the making of planning instruments.
6. “Planning instrument” is not defined in the NPS-I or the National Planning Standards. The Resource Management Act 1991 (**the Act**) contains a definition of ‘planning instrument’ for the purpose of the streamlined planning process in s 80B RMA:

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<sup>1</sup> NPS-I Policies 10 and 11 are set out in full at Annexure One.

**planning instrument**

(a) means a policy statement or plan; and

(b) includes a change or variation to a policy statement or plan.

7. The Planning Bill provides the following definition (Schedule 1, clause 1):

**RMA planning instruments** means regional policy statements, district plans, regional plans, national policy statements, national environmental standards, and national planning standards.

8. Planning instrument, based on existing available definitions and a plain reading of this term, does not include resource consent applications.

9. We acknowledge the definition of ‘decision-maker’ in clause 1.4 of the NPS-I is broad,<sup>2</sup> which would capture all activities under the Act, including decisions on resource consents.

10. In our view, the wording of Policies 10 and 11 provide a clear directive to decision-makers as to the circumstances in which Policies 10 and 11 are to be applied. This express wording acts to constrain the application of Policies 10 and 11 by limiting to them to the particular context for those policies (i.e. when making planning instruments). There is nothing in the wording of Policies 10 and 11 which would create any ambiguity as to their intent so as to warrant considering a broader application of these policies.

11. The wording in Policies 10 and 11 can be compared with Policies 1-9 which contain directives to decision-makers, but do not prescribe any constraints in which that decision-making power must be exercised. In our view, this means the directives to the decision-maker in Policies 1-9 are broad, in that any person exercising functions or powers under the Act can apply Policies 1-9 in the particular context that applies at the time the power or function is being exercised. These policies can likely apply to both planning instruments and resource consent applications (or designations, heritage orders or other application made under the Act).

12. Finally, we have considered the Explanatory Note of the NPS-I. The Explanatory Note is not part of the NPS-I, but is intended to indicate its general effect. We acknowledge the statement in the Explanatory Note that:

(a) *This National Policy Statement applies to all decisions made under the Act affecting the operation, maintenance, renewal and upgrade of existing infrastructure, and to the development of new infrastructure ...; and*

(b) *This National Policy Statement is to be applied by all persons exercising powers and functions under the Act. The objective and policies are intended to guide decision-makers in making decisions on the determination of resource consent applications, in considering a requirement for a designation or a heritage order, in considering an application for a water conservation order and when exercising other relevant powers as required by the Act. The objective and policies will also provide guidance for local authorities in relation to plan making.*

13. This could be read as meaning that the objective and all policies of the NPS-I are intended to apply to all decisions under the Act (i.e. that Policies 10 and 11 could apply to resource consents).

14. However, we consider such an interpretation would be a step too far as:

(a) The Explanatory Note is not part of the NPS-I and is intended to indicate its “general effect.”

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<sup>2</sup> Defined as “any persons exercising functions or powers under the Act.”

- (b) The Explanatory Note does not provide guidance for any specific policy. It refers to the objective and policies generally when referring to both resource consent applications and plan making.
- (c) Policies 10 and 11 must be applied in the context of the wording of the policies themselves. In our view, it would be a step too far to read an additional obligation into Policies 10 and 11 based on general wording of the Explanatory Note.

**Application in this current context**

- 15. The Ryans Road Industrial Development involves applications for resource consent. It does not involve the creation of any planning instruments. In our view, Policies 10 and 11 of the NPS-I are not applicable to the Ryans Road Industrial Development as these policies apply only to the making of planning instruments.

Yours faithfully  
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## Annexure One

### NPS-I – Policies 10 and 11

#### Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities

1. Decision-makers on planning instruments must manage the interface between existing and planned infrastructure and other activities to ensure:
  - (a) infrastructure and other activities are as compatible as practicable;
  - (b) the safe, efficient and effective operation, maintenance and minor upgrades, and major upgrades of existing or planned infrastructure are not compromised by the adverse effects of other activities; and
  - (c) infrastructure activities that are compatible with each other are co-located, while recognising that some types of infrastructure are not compatible.
  
2. Decision-makers on planning instruments must:
  - (a) engage with infrastructure providers to:
    - (i) understand their existing and planned infrastructure activities and medium to long-term plans;
    - (ii) identify appropriate buffers and other methods to protect existing and planned infrastructure from the adverse effects of new or intensified sensitive and incompatible activities, including direct effects, reverse sensitivity effects, and risks to health and safety;
    - (iii) support the strategic integration of infrastructure with land use activities;
  - (b) identify:
    - (i) activities that are particularly sensitive to the effects of infrastructure;
    - (ii) activities that are compatible with infrastructure, or potentially compatible with appropriate buffers, design standards or mitigation measures;
    - (iii) infrastructure activities that are sensitive to the effects of other infrastructure;
  - (c) apply a range of methods, including, where appropriate:
    - (i) the use of buffers in plans to manage sensitive activities, including new or intensified sensitive activities, and incompatible activities near infrastructure;
    - (ii) design standards to manage the effects of infrastructure on other activities;
    - (iii) special purpose zoning and other spatial-planning layers; and
  - (d) ensure that measures to avoid, remedy or mitigate the effects of other activities on infrastructure are consistent with relevant international standards (that are recognised or used in New Zealand), national standards and recognised best practice standards and methodologies.

#### Policy 11: Assessing and managing the interface between infrastructure and other activities

1. When assessing and managing the interface between existing and planned infrastructure with other activities, including new or intensified sensitive activities, through planning instruments, decision-makers must:

- (a) recognise that noise, vibration, dust and visual effects are all typical effects associated with infrastructure activities that can be managed where practicable but not completely avoided;
- (b) recognise that:
  - (i) amenity values change due to a range of factors;
  - (ii) changes in amenity values from infrastructure activities can be necessary to achieve well-functioning urban and rural environments; and
- (c) apply the general principle that the primary responsibility for managing adverse effects is on the new activity (including infrastructure) while allowing flexibility for site- and project-specific circumstances.

