

Before the Expert Panel

FTAA-2504-1054

Under **Fast-track Approvals Act 2024**

In the matter of an application for approvals in relation to the Ryans Road Industrial Development

By **Carter Group Limited**
Applicant

Memorandum of counsel for Carter Group Limited regarding new National Policy Direction

16 February 2026

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May it please the Panel:

- 1 This memorandum is filed on behalf of Carter Group Limited (**Carter Group** or **Applicant**), the applicant for the substantive application for the Ryans Road Industrial Development (**Project**) under the Fast-track Approvals Act 2025 (**FTAA**).
- 2 This memorandum responds to Minute 8 of the Expert Panel (**Panel**) dated 23 January 2026, which requests further information from the Applicant:
 - (a) Confirming the extent to which the new National Policy Statement for Infrastructure 2025 approved on 15 December 2025 (**NPS-I**) raises additional matters for assessment of resource consent approvals sought under the FTAA; and
 - (b) Confirming the extent to which any of the other new or amended national direction instruments raise additional matters for assessment of resource consent approvals sought under the FTAA; and
 - (c) Undertaking a brief assessment of the impact of such matters on the Application and the Panel's evaluation task.
- 3 A planning assessment of the new or amended national direction (including the NPS-I) is attached as **Appendix 1**. In summary, and for the reasons explained in paragraph 4 of Appendix 1, no new or amended national direction documents require detailed assessment because they do not introduce new considerations that are relevant to the Project, with the exception of:
 - (i) the National Policy Statement for Natural Hazards (**NPS-NH**); and
 - (ii) the NPS-I.

National Policy Statement for Natural Hazards 2025

- 4 An assessment of the NPS-NH is provided in **Appendix 1**. Overall, the assessment concludes that the Application is consistent with the relevant NPS-NH objectives and policies, as the natural hazard risks associated with the site are appropriately identified and managed.

National Policy Statement for Infrastructure 2025

- 5 With regards to the NPS-I, the Applicant accepts the legal opinion of counsel for Christchurch City Council (**CCC**) that:
 - (a) the NPS-I applies to "all infrastructure activities" with exceptions limited to particular infrastructure activities managed under the National Policy

Statement for Renewable Energy Generation and the National Policy Statement for Electricity Transmission.

- (b) "infrastructure activities" includes existing infrastructure activities;
 - (c) for reasons set out at paragraph 9 of CCC's memorandum, the term *planning instrument* used in Policies 10 and 11 does not include resource consents, further we note that this interpretation is also consistent with the use of the term in the Planning Bill;¹ and
 - (d) therefore, policies 10 and 11 do not apply to decisions on resource consents.
- 6 In summary, the Applicant's view is that the proposal is fully consistent with the NPS-I and in particular, that the Applicant considers that the proposal is fully aligned with the NPS-I. The development is designed to be as compatible as practicable with both existing and anticipated infrastructure, and any potential adverse effects on infrastructure are appropriately managed. The new and upgraded infrastructure proposed will also support the development and contribute positively to its social, economic and cultural outcomes.

Relevance of National Policy Instruments to section 85 assessment

- 7 In any case, the Applicant maintains its position set out at paragraphs 26–27 of its section 55 response regarding the relevance of national direction instruments to the section 85 assessment of approvals sought under the FTAA:

... even if the Panel concludes the project is inconsistent with or contrary to the NPS-HPL and therefore constitutes an "adverse impact," this alone cannot justify declining approval unless that adverse impact (together with any others identified) is sufficiently significant to outweigh the project's regional or national benefits.

For completeness, it is also noted that while clause 17(1) of Schedule 5 requires decision-makers to "take into account" provisions of the Resource Management Act (RMA) that guide resource consent decisions, RMA plans and policies remain relevant and mandatory considerations under the FTAA. However, under the FTAA there is no obligation to "give effect to" higher-order instruments such as the NPS-HPL. By way of comparison, the FTAA:

- (a) has a distinct purpose from the RMA, focusing on the facilitation of developments that deliver national and regional benefits;

¹ Planning Bill (235—1), Schedule 1, clause 1 defines RMA planning instrument as "means regional policy statements, district plans, regional plans, national policy statements, national environmental standards, and national planning standards."

(b) applies a different threshold requiring decision-makers only to “take into account” as opposed to “give effect to” under the RMA; and

(c) grants Panels broad discretion to depart from policies that would otherwise bind them under the RMA.

- 8 Although the above statements were made specifically in the context of National Policy Statement on Highly Productive Land (**NPS-HPL**), they apply equally to all national policy statements, including newly issued or amended instruments. The Applicant’s position is that the FTAA test remains the same: national policy statements must be taken into account, but any inconsistency with a national direction instrument is not determinative and must be weighed against the Project’s broader national and regional benefits.

Assessments of other National Policy Statements

- 9 For completeness, the Applicant has also considered recent decisions, and draft decisions, issued by expert panels on other Fast-track applications. In particular, regard has been had to how those panels have addressed the NPS-HPL and the National Policy Statement on Urban Development (**NPS-UD**). A summary of this analysis is included in **Appendix 1**.

Conclusion

- 10 For the reasons set out above, and in **Appendix 1**, the Applicant considers that the new or amended national direction instruments do not materially alter the assessment of the Project under the FTAA. The only instruments requiring further consideration (being the NPS-NH and NPS-I) have been assessed and do not introduce any new matters that affect the substance of the Application or the Panel’s section 85 evaluation.
- 11 The Applicant’s position remains that, while national policy statements must be taken into account under the FTAA, any inconsistency with such instruments is not determinative and must be weighed alongside the Project’s significant national and regional benefits.

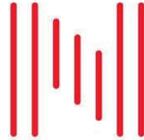
12 Accordingly, the Applicant considers that the additional information requested by the Panel does not change the conclusions of the Application, nor does it identify any matters that would prevent the Panel from granting the approvals sought.

Dated 16 February 2026



Jo Appleyard/Meg Davidson
Counsel for the Applicant

APPENDIX 1



NOVO GROUP
Planning. Traffic. Development.

16 February 2026

MEMO

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FTAA2504-1054 RYANS ROAD INDUSTRIAL DEVELOPMENT MINUTE 8 RESPONSE: NEW NATIONAL DIRECTION INSTRUMENTS PLANNING ASSESSMENT

INTRODUCTION

The Panel requested via Minute 8 that the Applicant undertake an evaluation of the application against ten new or amended national direction instruments which came into effect on 15 January 2026. The request sought confirmation of the extent to which new or amended national instruments raise additional matters for assessment under the resource consent approvals applied for under the Fast-track Approvals Act 2024(FTAA).

The Panel have also sought advice on the application of these instruments to the assessment and evaluation tasks the Panel must undertake pursuant to the FTAA.

This memorandum is an addition to the Assessment of Planning Provisions provided in the Substantive Application 'Assessment of Environmental Effects' document prepared by Novo Group, lodged in April 2025 at paragraphs 335 – 351 and in supporting **Appendix 32** of that document.

NEW NATIONAL POLICY DIRECTION

The following national direction documents (new or amended) are not assessed in detail as they are not relevant considerations for this application, as described further below:

- *Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025.*
 - No assessment is provided as any 'residential activities' (which includes 'detached minor residential units') are specifically excluded from the proposal, including by way of a consent condition.



- *New Zealand Coastal Policy Statement Amendment 2025.*
 - The site is not located in the Coastal Environment to which the policy statement applies.
- *National Policy Statement for Renewable Electricity Generation Amendment 2025.*
 - Renewable electricity generation is not proposed as part of the application, and no evidence or comments received have indicated that the proposal will have reverse sensitivity effects on existing renewable electricity generation (REG) activities.
- *National Policy Statement for Electricity Networks Amendment 2025.*
 - This policy statement is primarily geared towards enabling the provision of Electricity Network (EN) infrastructure. In terms of policies 11 and 12 (which address the effects of third parties' activities on EN), there is no evidence of any effects including on safety, efficiency, operational or reverse sensitivity, noting that the applicant has consulted with Orion regarding the 33 Kv powerlines along Ryans Road.
- *National Policy Statement for Freshwater Management Amendment 2025 and the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025.*
 - In relation to the amended NPS, the conclusions in the April assessment remain relevant as the 2025 amendments largely relate to reducing compliance barriers for infrastructure and mineral extraction activities. As noted in the April planning assessment the NES is not relevant to the application as the Paparua Water Race Network is an artificial watercourse. The proposed amendments to the NES do not change that assessment.
- *National Policy Statement for Indigenous Biodiversity Amendment 2025.*
 - The earlier assessment stands as the amendments to the NPS only relate to mineral extraction activities and are not relevant.
- *National Policy Statement for Highly Productive Land Amendment 2025.*
 - The earlier assessment is still relevant as the amendments only relate to providing for mineral extraction activities and class LUC3 productive soils. The subject site has class LUC2 soils.

That leaves two new instruments, the National Policy Statement for Natural Hazards 2025 (NPS-NH) and the National Policy Statement for Infrastructure 2025 (NPS-I) that require further consideration in relation to the application.



NPS – NATURAL HAZARDS

This new National Policy Statement for Natural Hazards 2025 (NPS-NH) contains the below primary objective and six related policies:

- *Objective: Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.*
- *Policy 1: When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.*
- *Policy 2: Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.*
- *Policy 3: Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.*
- *Policy 4: Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.*
- *Policy 5: Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.*
- *Policy 6: The potential impacts of climate change to at least 100 years into the future must be considered.*

In summary, the overarching objective of the NPS-NH is to reduce the risk from natural hazards to people and property in a proportionate and risk-based manner, while recognising that not all natural hazard risk can be avoided.

The NPS-NH requires decision-makers to identify and assess natural hazard risk using a consistent likelihood and consequence framework and to manage that risk through avoidance, relocation, reduction, or acceptance, depending on the level of risk and the ability to mitigate effects.

Consistent with the NPS-NH, flood and liquefaction **risk** is assessed below by considering both:

- the **likelihood** of a flood/ liquefaction event occurring; and
- the **consequence** of such an event for people and property.

Natural hazard risks for flooding and liquefaction at the site have previously been assessed in the substantive application with expert assessments completed by:

- PDP (Ben Throssell) - Flood Hazard Assessment, 12 February 2025 (**Appendix 31**).



- Tetra Tech Coffey (Chris Thompson) – Geotechnical Assessment Report, 7 February 2025 (Appendix 5).

In relation to flood hazards Mr Throssell's earlier assessment notes that an extreme 0.2% (1 in 500 year) flood event involving a breach of the Waimakariri River Primary and Secondary Stopbanks is not a viable source of flooding at the application site. Further the assessment notes that in high rainfall events localised surface water flooding will be managed via the proposed stormwater system and contained in overland flow paths at the site to a depth no greater than 180mm (18cm) with low velocity given the gentle slope of the land. In terms of 'likelihood', flood events at the site are categorised as rare or extremely rare (0.2% - less than 0.02%)¹. The consequence of such an event is considered 'negligible'², meaning that no damage to land or buildings and no injuries to persons are anticipated.

Using the above assessments, acknowledging that these were prepared prior to the NES being in effect, the flood hazard risk at the site has been assessed as Low in accordance with the risk matrix contained in the NPS (see figure 1 below). It is also noted that Christchurch City Council's (CCC) Stormwater Engineer Mr Norton has also reviewed Mr Throssell's assessment, and agrees that there are no flood hazards at the site.

Figure 1: Risk matrix

		Likelihood Level						
		Almost Certain	Very Likely	Likely	Possible	Unlikely	Rare	Very Rare
ARI (years)		up to 10	10-20	20-50	50-100	100-500	500-5000	> 5000
AEP		10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Consequence Level	Catastrophic	Very High	Very High	Very High	High	Medium	Medium	Medium
	Major	Very High	Very High	High	High	Medium	Medium	Medium
	Moderate	High	High	High	Medium	Medium	Low	Low
	Minor	Medium	Medium	Medium	Medium	Low	Low	Low
	Negligible	Low	Low	Low	Low	Low	Low	Low

In relation to geotechnical and liquefaction hazards Mr Thompson's assessment from February 2025 states that:

¹ NPS - I, Appendix 1 Table 1 likelihood table

² NPS - I, Appendix 1 Table 2 Consequence table



4.2.3.1 Liquefaction-Induced Settlement

We have reviewed the Canterbury Maps "Christchurch Liquefaction Information" webpage⁷ for the site. This review identified the site as being mapped in an area where "Liquefaction damage is unlikely – low liquefaction vulnerability".

In addition to the above our on-site testing has indicated unsaturated soils above dense gravels with ground water estimated at greater than 10mbgl.

Based on the above information we consider that the risk of liquefaction induced ground settlements at the site is low.

Further he notes no slope, erosion or inundation hazards. I note that Ms Yvone McDonald, Subdivision Engineer for CCC has reviewed the Tetra Tech Geotechnical Assessment and agrees with Mr Thmopson that Geotechnical hazards including liquefaction are not a risk at the application site.

In terms of the 'Risk Matrix' in figure 1 above, it can be interpreted that from Mr Thompson's assessment that the likelihood of liquefaction at the application site is low (unlikely) and that consequence level is minor / negligible given the risk of ground settlement is low and that foundation design will be considered as part of building consent processes.

It is noted that the CCC planning assessment prepared by Mr White, has also considered landslip and coastal erosion and inundation hazards. I concur with Mr Whites assessment of these matters, noting that the site is not identified as being subject to slip or slope instability overlays or within a coastal area.

Overall, it is considered that the application is consistent with the relevant NPS-NH objective and policies as the risk of natural hazards at the site is low.

NPS – INFRASTRUCTURE

The sole objective of the National Policy Statement for Infrastructure (NPS-I) is primarily directed at ensuring that infrastructure is recognised, enabled and protected so that it can deliver national, regional and local benefits.

Most clauses of the objective relate to accommodating or providing for infrastructure needs. Of particular relevance to the proposal is clause (d), which seeks to '*ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities*'. The inclusion of the qualifier "as far as practicable" is significant, recognising that compatibility requirements are not absolute.

Based on the technical assessments provided, the proposal will not compromise the functioning, resilience or compatibility of relevant infrastructure, including the road network, three-waters infrastructure, or airport operations and navigation services. Infrastructure will remain well-functioning and compatible with other activities, as far as practicable. The proposal therefore accords with the objective of the NPS-I.

Policy 1: Providing for the benefits of infrastructure

This policy requires decision-makers to recognise and provide for the benefits of infrastructure, relative to any localised adverse effects.



The assessment of effects demonstrates that infrastructure services will not be compromised and that adverse effects on infrastructure are appropriately avoided, remedied or mitigated. Particular regard has been had to clause 3, which addresses risks to public safety and wellbeing where infrastructure services are compromised, including in relation to airport and navigation services. The technical evidence confirms that no such risks arise.

Accordingly, the proposal is consistent with Policy 1.

Policy 2: Operational or functional need

Policy 2 recognises that infrastructure may have an operational or functional need to locate in particular environments or locations.

The technical assessments confirm that the proposal does not impose any unreasonable operational, functional or financial burden on infrastructure providers, nor does it impede the efficient operation of interconnected infrastructure networks. Infrastructure can continue to operate effectively and efficiently.

The proposal is therefore consistent with Policy 2.

Policy 3: Considering spatial planning

Relevant infrastructure and associated management regimes are identified in applicable spatial plans and infrastructure planning documents. These have been taken into account through the technical assessments.

Notably, policy 3 expressly recognises “that not all infrastructure can be spatially identified in advance”. This complements objective 2.1(1)(c) to “enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generation” and the new and upgraded infrastructure required to support the proposal is consistent with these provisions.

The proposal therefore appropriately responds to Policy 3.

Policy 4: Enabling the efficient and timely operation and delivery of infrastructure

Policy 4 is directed at enabling the efficient delivery, operation, upgrading and renewal of infrastructure, while recognising the role of infrastructure providers in identifying preferred locations and methods.

The proposal does not constrain infrastructure delivery, upgrades or operation, and does not give rise to unreasonable costs or inefficiencies for infrastructure providers. Any potential adverse effects on infrastructure have been addressed to an appropriate standard, accounting for the assessment of effects provided and the proposed conditions of consent.

The proposal is consistent with Policy 4.



Policy 5: Infrastructure supporting activities

Policy 5 recognises the importance of infrastructure supporting activities. The proposal does not inhibit infrastructure supporting activities and adverse effects are appropriately managed. The proposal is therefore consistent with Policy 5.

Policy 6: Recognising and providing for Māori interests

Policy 6 requires decision-makers to recognise and provide for Māori interests in relation to infrastructure, including by taking into account the outcomes of engagement with tangata whenua. In this instance, comments received from Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga have been considered and taken into account in accordance with this policy.

Policy 7: Assessing and managing the effects of infrastructure activities

Policy 7 relates to the assessment and management of effects arising from infrastructure activities themselves. To the extent that new infrastructure activities are proposed, the effects of such activities will be appropriately managed as sought by this policy.

Policy 8: Operation, maintenance and minor upgrade of existing infrastructure

The proposal enables the efficient operation, maintenance and minor upgrading of existing infrastructure, and does not impose constraints or inefficiencies on infrastructure providers. Any adverse effects on infrastructure are avoided or appropriately mitigated where practicable. The proposal is therefore consistent with this policy.

Policy 9: Managing the effects of new infrastructure and major upgrades

Policy 9 relevantly seeks to enable new infrastructure in all environments, and avoid, remedy or mitigate the effects of such infrastructure. Noting that new infrastructure is proposed as part of the project and its effects will be appropriately managed, as set out in the assessment of effects, the proposal is consistent with this policy.

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

Policy 10 relates to decisions on planning instruments and therefore is not relevant to this proposal.

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

Policy 11 also relates to planning instruments and is not relevant.

Overall Conclusion

The proposal is consistent with the objective and relevant policies of the NPS-I. In particular, the proposal is compatible as far as practicable with existing and planned infrastructure, and appropriately manages adverse effects on infrastructure. The proposed new and upgraded



infrastructure will otherwise support the development and the social, economic and cultural wellbeing derived from it.

ASSESSMENTS OF OTHER NPS

In evaluating the new national direction instruments above, consideration has been given to recent decisions and draft decisions by panels on other applications for approvals under the FTAA. The recent draft decision on the Sunfield application (FTAA-2503-1039³) (**Sunfield**) is particularly relevant, insofar that it engaged on the NPS-HPL and NPS-UD as relevant to a resource consent application for urban development in a rural environment (as is the case here). Accounting for those decisions, it is noted that:

NPS-HPL clause 3.6 is not relevant. Whilst the AEE for this proposal considered clause 3.6 to be contextually relevant and assessed it accordingly, the Sunfield panel is clear that this clause relates to urban rezoning, not subdivision by way of resource consent, and it is therefore not relevant. To the extent that clauses 3.6 (subdivision), 3.9 (use and development) and 3.10 (exemptions where constraints) are otherwise relevant, the Highly Productive Land and Soils Assessment by Reefside (**Appendix 26**) assessed the proposal against these provisions. Clause 3.10 is of primary relevance and the Reefside assessment demonstrates that the site is subject to permanent and long-term constraints that preclude the economically viable use of the land for land based primary production for at least the next 30 years. Notwithstanding the presence of LUC Class 2 soils, the Reefside assessment identifies enduring constraints on productive capacity, including an irrigation water shortfall within a fully allocated groundwater zone, permanent nutrient limits under the Regional Plan, and operational constraints arising from proximity to Christchurch Airport, including bird strike risk associated with cropping and horticulture. The proposed development would not result in a significant loss of productive capacity, either individually or cumulatively, representing approximately 0.59% of Christchurch District's LUC 1–3 land and 0.01% at the regional scale. It would not fragment a large or geographically cohesive area of highly productive land due to existing road boundaries, airport-related district plan overlays and constraints, and established non-productive uses, and it would avoid or mitigate reverse sensitivity effects on surrounding land based primary production. Accordingly, the proposal satisfies clause 3.10(1)(a) and (b) and is consistent with the policy intent of protecting genuinely productive land while enabling appropriate non primary uses where long term constraints exist.

NPS-UD Policy 8 is not relevant. Again, this policy applies to plan changes, rather than resource consents, so consistent with the panel's draft decision on Sunfield, it is not relevant. To the extent that the assessment of the NPS-UD in **Appendix 32** considered this policy relevant, it did not rely on the policy, and the finding in that assessment that the proposal would add significantly to development capacity and will contribute to a well-functioning urban environment remains relevant, irrespective of policy 8.

³ See: https://www.fasttrack.govt.nz/data/assets/pdf_file/0022/20659/Attachment-1-Draft-Decision-Sunfield.pdf



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