

Before the Expert Panel

**FTAA-2505-1057**

---

Under	Fast-track Approvals Act 2024 ( <b>FTAA</b> )
In the matter of	Pound Road Industrial Development
Between	<b>NTP DEVELOPMENT HOLDINGS LIMITED</b>
	Applicant

---

**Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request**

Date: 26 February 2026

---

**Applicant's solicitors:**

Jo Appleyard | Tallulah Parker  
Anderson Lloyd  
Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011  
PO Box 13831, Christchurch 8141  
DX Box WX10009 Christchurch  
p + 64 3 379 0037  
jo.appleyard@al.nz | tallulah.parker@al.nz

**anderson  
lloyd.**

## May it please the Panel

- 1 This memorandum relates to the substantive Application for the Pound Road Industrial Development [FTAA-2505-1057] (**Application**) by NTP Development Holdings Limited (**NTP** or **Applicant**).
- 2 It responds to Minute 11, Minute 14, and the Panel's request for information under section 67 of the FTAA dated 18 February 2026 (**Information Request**).
- 3 The following detailed planning assessment and the reports of the relevant experts are enclosed within this memorandum and referred to throughout:
  - (a) **Appendix 1:** Natalie Hampson, Savvy Consulting Limited, Pound Road Christchurch Applicant Response.
  - (b) **Appendix 2:** Nick Fuller, Novo Group, Pound Road, Christchurch Applicant Response to Minute 14.
  - (c) **Appendix 3:** Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe.
  - (d) **Appendix 4:** Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel.
  - (e) **Appendix 5:** Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Instruments Planning Assessment.
  - (f) **Appendix 6:** Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 KiwiRail Conditions.
- 4 The Applicant has already filed a detailed memorandum setting out the statutory framework governing the Panel's consideration of transportation matters under the Fast-track Approvals Act 2024 (**FTAA**), including the correct interpretation and Application of s 81, 83 and 84A. Accordingly, the purpose of this memorandum is not to restate that analysis in full, but to set out the approach the Panel should now take after considering the further materials enclosed in Appendices 1 – 6 of this memorandum.

## Outstanding Transportation Matters for Consideration

- 5 Following the Panel-convened transportation conference on 5 February 2026 (**Panel-Convened Conference**), the Panel issued Minute 14, which records the key matters discussed and identifies the outstanding issues requiring further input from the parties. The conference focused on clarifying the respective positions of the Applicant, Christchurch City Council (**CCC**), New Zealand Transport Agency (**NZTA**) and KiwiRail on the remaining transportation matters.

### *Conditions relevant to KiwiRail*

- 6 As stated in Minute 14, an agreement has been reached with KiwiRail on the issues of concern to it.
- 7 Following further engagement, the Applicant and KiwiRail have jointly refined the wording of the relevant consent conditions. The agreed conditions are included in **Appendix 6** for the Panel's consideration.<sup>1</sup>
- 8 One condition is to be included in the land use consent (addressing the LCSIA) and the other in the subdivision consent (addressing construction traffic and access). The conditions ensure that the safety and operational effects on the level crossing are appropriately assessed and that construction activities are managed to avoid adverse effects on KiwiRail's infrastructure.
- 9 Subject to the inclusion of these conditions in the Decision, KiwiRail has confirmed it has no further concerns with the Application.

### *Pound Rd Shared Path/Cycle Path*

- 10 **Mr Fuller**<sup>2</sup> and **Mr Inness**<sup>3</sup> have each assessed the CCC's requested provision of a shared path/cycle path on Pound Road.
- 11 **Mr Inness** discusses the impracticality of providing the shared path, noting that its installation is inconsistent with typical CCC development expectations and with previous development along the Pound Road corridor. **Mr Inness** also identifies significant engineering issues with

---

<sup>1</sup> Appendix 6: Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Kiwirail Conditions.

<sup>2</sup> Appendix 2: Nick Fuller, Novo Group, Poad Road, Christchurch Applicant Response to Minute 14 at [31] – [34].

<sup>3</sup> Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe at pages 3 – 4.

implementing a shared path, which would result in an outcome inconsistent with Pound Road's streetscape and formation.

- 12 Building on this, **Mr Fuller** discusses the transport effects of not providing a shared path. Whilst not ideal, **Mr Fuller** concludes that the shoulders of Pound Road can be marked as cycle lanes to provide space for these users, noting that this is consistent with current facilities on Pound Road and with those in other higher-speed corridors. Although requiring pedestrians to walk through the subdivision to access the footpaths on Waterloo Road increases the trip length, **Mr Fuller** anticipates that the number of pedestrians will be low and that the effects will be acceptable.

*The Pound Road / Waterloo Road and Pound Road / SH1 Intersection Upgrades*

- 13 The key issues discussed at the Panel-Convened Conference relate to the timing, funding, and responsibility for the Pound Road / Waterloo Road and Pound Road / SH1 intersection upgrades (**Intersection Upgrades**).
- 14 The Applicant has not yet reached an agreement with NZTA on when the Intersection Upgrades should occur or how costs should be allocated; accordingly, a related question is whether completion of the Intersection Upgrades should be a condition precedent to later stages of development, and/or whether the Applicant should be required to fund the Intersection Upgrades in full.
- 15 Minute 14 summarises several key outcomes from the Panel-Convened Conference, including that:<sup>4</sup>
- (a) All parties agreed:
    - (i) The intersections are closely positioned, meaning there are interactions between the operation of the two intersections and level crossing (for instance, queueing lengths), such that the Intersection Upgrades need to be considered holistically.
    - (ii) Stage 1 of the Proposal could proceed to completion without the Intersection Upgrades in place.
    - (iii) By around 2038, when all stages of the Proposal are projected to be completed, the Intersection Upgrades should "ideally" be in place.

---

<sup>4</sup> Minute 14 of the Expert Panel, Pound Road Industrial Development [FTAA-2505-1057] at [6].

- (iv) The Applicant's proposed design of the Intersection Upgrades is agreed to be appropriate (should any conditions be imposed).
- (b) The Applicant confirmed it is willing to contribute to the cost of the upgrades in proportion to the peak traffic volume arising from its Proposal through the intersections.
- (c) NZTA confirmed:
  - (i) There is no funding programmed for the Pound Road / SH1 Intersection Upgrades.
  - (ii) The Applicant should mitigate the impacts of the Proposal and be required to undertake the Intersection Upgrades at its cost.
  - (iii) At this time, NZTA has no ability to accept a financial contribution (through a development agreement) to hold pending the Intersection Upgrades being undertaken.
- (d) CCC advised that it likewise had no funding available to undertake the Intersection Upgrades.

*The "significance" of traffic effects without the Intersection Upgrades*

- 16 **Mr Fuller** has previously provided analysis that indicates that the development will contribute the following percentages of traffic through the combined SH1 / Pound Road and Pound Road / Waterloo Road intersections at each stage of development:<sup>5</sup>
- (a) Stage 1 – 6%
  - (b) Stage 2 – 12%
  - (c) Stage 3 – 17%
  - (d) Stage 4 – 20%
- 17 **Mr Fuller** has set out the impact of these contributions in conjunction with peak-hour traffic volumes at the SH 1 / Pound Road and Waterloo Road / Pound Road intersections and assessed the "significance" of traffic effects that would arise in 2038 without the Intersection Upgrades in place.
- 18 Without the Intersection Upgrades, **Mr Fuller** has concluded that the development would create noticeable congestion at the SH1 / Pound Road

---

<sup>5</sup> Nick Fuller, Novo Group, Pound Road, Christchurch Applicant Response to Minute 10, dated 26 January 20206 at [11].

and Pound Road / Waterloo Road intersections during peak periods.<sup>6</sup> Whilst not ideal, **Mr Fuller** notes that it is not without precedent, and these intersections would still operate in a manner broadly comparable to other busy parts of the Strategic Road Network. **Mr Fuller** would typically describe this scale of effect to be more than minor, although in this instance, he considers it is potentially significant given its impact on the Strategic Road Network. Outside peak hours, effects would be much lower, but the peak-hour congestion would still represent a decline in overall transport efficiency.

19 In terms of safety, **Mr Fuller** notes that both intersections currently perform better than predicted and that the increase in crash risk from the development is expected to be small.<sup>7</sup> The more material issue relates to the Pound Road rail crossing; while it has no history of serious crashes and is equipped with appropriate safety features, increased queuing creates uncertainty about the likelihood of a rare but high-severity event. **Mr Fuller** considers this uncertainty sufficient enough to classify the safety effects as potentially significant even though the actual probability of a serious crash remains low.

20 Overall, **Mr Fuller** concludes:<sup>8</sup>

I originally concluded in the ITA that the effects on transport safety and efficiency of construction of the full development without upgrading the SH1 / Pound Road and Pound Road / Waterloo Road intersections would be significant. This was based on a combination of additional delay to the Strategic Road Network, plus the risk of fatalities at the rail crossing notwithstanding the low probability of that occurring.

I would not have necessarily reached the same conclusion with similar effects on a part of the transport network that is not Strategic. As identified above, the operation of these intersections with the development but without improvement will be similar to or better than other existing parts of the Strategic Road Network, with that operation being tolerated by road users within Christchurch.

Having further reviewed the safety of comparable rail crossings and for the reasons otherwise outlined above, my opinion has altered to conclude that the effects are "potentially significant", given my safety

---

<sup>6</sup> Appendix 2: Nick Fuller, Novo Group, Poad Road, Christchurch Applicant Response to Minute 14 at [2] – [8].

<sup>7</sup> Appendix 2: Nick Fuller, Novo Group, Poad Road, Christchurch Applicant Response to Minute 14 at [2] – [8].

<sup>8</sup> Appendix 2: Nick Fuller, Novo Group, Poad Road, Christchurch Applicant Response to Minute 14 at [9] – [17].

concerns are unquantified regarding frequency of fatal / serious crashes.

[Emphasis ours.]

Identified viable partial or interim solutions available

- 21 In light of these issues, the Applicant has undertaken further assessment of potential interim measures.
- 22 **Mr Fuller** has assessed two potential interim options to address the capacity issues at the SH1 / Pound Road and Pound Road / Waterloo Road intersections.<sup>9</sup> The first was to remark the Pound Road approach to SH1 to create a shared left-and-right turn lane alongside an exclusive right-turn lane. He concluded this would not attract enough vehicles into the shared lane to bring the intersection back within capacity. The second option was to construct the additional right-turn lane from Pound Road to SH1 ahead of the full upgrade. However, **Mr Fuller** found this was not feasible because the new lane requires Pound Road to be realigned along the entire length between SH1 and Waterloo Road, meaning both intersections must be upgraded together.
- 23 As a result, **Mr Fuller** concludes that the only effective solution is the full package of Intersection Upgrades proposed, which provides the necessary additional right-turn capacity at SH1 and the corresponding southbound through-capacity at Waterloo Road.

Applicant's proffered condition in relation to the Intersection Upgrades

- 24 To address matters in relation to the Intersection Upgrades, the Applicant has proffered the following condition:

The issue of Titles for Stage 1 (Lots 1 – 26-29, 42 - 56, 200 and 202) shall not occur before 31 December 2027.

Titles for Stage 2 or beyond shall not be issued until the sooner of:

- a. 01 January 2029; or
- b. Developer Agreement is entered into with the Council and /or the NZ Transport Agency to facilitate the State Highway 1 / Pound Road

---

<sup>9</sup> Appendix 2: Nick Fuller, Novo Group, Poad Road, Christchurch Applicant Response to Minute 14 at [28] – [30].

intersection and Pound Road/ Waterloo Road intersection upgrades.

The Consent Holder shall provide a contribution toward the construction of the SH1 / Pound Road intersection and Pound Road / Waterloo Road intersection upgrades (including the rail crossing) on the basis of the traffic generated through these intersections and the costs of the intersection designs included in the ITA for this Consent.

(the **Applicant's Condition**)

- 25 The Applicant's Condition reduces the risk of 'potentially significant' transport impacts by ensuring that later stages of development cannot proceed until either sufficient time has passed for meaningful progress on the Intersection Upgrades to have been made, or such progress is otherwise demonstrated through the execution of a development agreement. By delaying the release of titles for Stage 2 until the earlier of these, the condition creates a clear buffer period during which planning, design, and delivery steps for the Intersection Upgrades can realistically proceed.
- 26 The latest permissible date (i.e. 1 January 2029) provides a conservative safeguard to ensure that full development cannot occur until well after NZTA's investigation into the wider Hornby and corridor has concluded and after there has been a genuine opportunity for the Intersection Upgrade to be advanced. This increases the chances that 'potentially significant' effects identified by **Mr Fuller** will never arise, as infrastructure can be made adequate through the delivery of the Intersection Upgrades.
- 27 This approach is further supported by the broad agreement among the parties that the form and scope of the Intersection Upgrades are well understood. **Mr Innes** indicates a construction programme of approximately six months,<sup>10</sup> allowing a further six months for detailed design and an additional six to twelve months for approvals from NZTA, KiwiRail, and CCC. He concludes that a realistic total timeframe for completing the full design and construction of the upgrades is in the order of two years.
- 28 The Applicant's Condition therefore provides an appropriate window for these processes to occur before the development reaches the stage at which 'potentially significant' transport effects in 2038 might otherwise arise, thereby further reducing the risk of significant effects.

---

<sup>10</sup> Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe at pages 3.

## Extent of the Application's Regional or National Benefits

- 29 The Panel is required to make decisions on approvals sought in substantive applications in accordance with s 81. Pursuant to s 81(2)(b), for the purpose of deciding on approvals described in s 42(4)(a) (a resource consent), the Panel must apply the applicable clauses in the Schedule.<sup>11</sup>
- 30 Clauses 17 and 18 of Schedule 5 require the Panel to, when considering a consent application, include conditions to "take into account" the purpose of the FTAA and specific RMA provisions, giving the greatest weight to the purpose of the FTAA "to facilitate the delivery of infrastructure and development projects with significant regional or national benefits."
- 31 When considering the purpose of this Act, section 81(4) requires the Panel to consider the "extent of the project's regional or national benefits."

### *Extent of regional or national benefits of the Project with the Applicant's Condition*

- 32 **Mr Christie** has assessed the development's financial feasibility with the Applicant's Condition imposed. His evidence is that, if the Applicant contributes 20 per cent of the Intersection Upgrade costs (i.e. the percentage of traffic the development will contribute at Stage 4), the Project remains viable and continues to meet the organisation's financial hurdles.
- 33 **Ms Hampson** has updated her economic impact results, including operational scenario impacts, based on further information provided. In summary, **Ms Hampson** states on the basis of Stage 1 - 4 being delivered:<sup>12</sup>

the project builds rapidly over time, and as different aspects of the project occur simultaneously, total annual expenditure peaks at \$499 million in 2037, before stabilising at an indicative \$497 million in gross output once fully operational.

...

In gross terms, the economic impacts of the project (in full) are considered significant at the regional level. The construction impacts are now higher than previously modelled (due to higher cost inputs and more compressed time frames for full development) and will be an important boost to the Region's construction sector. The long term operational impacts have been quantified and make a significant

---

<sup>11</sup> Fast-track Approvals Act 2024, Schedule 5 clause 17 - 22.

<sup>12</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [14] – [16]

addition to the medium term construction impacts and are key to the project's economic benefits.

- 34 As stated by **Ms Hampson**, even in the absence of quantified operational impacts at their review, the CCC agreed that the project would, once constructed and on-going operational impacts were accounted for, deliver significant economic impacts for the Canterbury Region.<sup>13</sup>
- 35 In terms of a summary of total economic impacts (Gross) by Development Stages, **Ms Hampson** states:<sup>14</sup>
- a. If limited to stage 1, the project will contribute up to \$2.4 billion (\$1.1 billion NPV) in total value added and support up to 17,292 FTE years by 2045. These impacts are likely overstated as they include some infrastructure costs that would likely be less if they did not need to cater for future stages.
  - b. If limited to stage 2, the project will contribute up to \$4.1 billion (\$1.8 billion NPV) in total value added and support up to 29,624 FTE years by 2045.
  - c. If limited to stage 3, the project will contribute up to \$6.4 billion (\$2.7 billion NPV) in total value added and support up to 46,344 FTE years by 2045.
  - d. Last, and as set out previously, if the project is delivered in full, it will contribute up to \$7.24 billion (\$3.0 billion NPV) in total value added and support up to 52,199 FTEs years by 2045.

- 36 Taken together, the evidence demonstrates that the Project in totality delivers regional benefits of a scale and nature that clearly fall within the FTAA's use of the word "significant" with the "extent" of these benefits detailed above.

*Extent of regional or national benefits of the Project if limited to Stage 1 and / or the Applicant is required to pay for the Intersection Upgrades*

- 37 In consideration of what the "tipping point" for regionally significant economic benefits might be for the project based on Stages 1 - 4 (noting

---

<sup>13</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [16].

<sup>14</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [23].

that there is no accepted basis for determining 'significance' under the FTAA), **Ms Hampson** states:<sup>15</sup>

It is clear that the significance of the economic impacts increases with each stage, and that the increase is not linear due to the different size of each development stage. I maintain that the full development is regional significant. As stage 1 represents only a third of the potential economic impact of the project over 20 years (or 37% in NPV terms), and is likely overstated, I consider that that scale of industrial development would not reach the threshold of significant in the regional context.

- 38 Accordingly, if limited to Stage 1, the Project would not deliver the same extent of wider economic benefits discussed above. As stated by **Ms Hampson**, she considers the regional significance test would be difficult to justify if limited to Stage 1, noting that:<sup>16</sup>

... stage 1 of the project would not deliver the same wider economic benefits of the project that full project delivery would. The smaller scale of development would have reduced economies of scale for development, would have reduced agglomeration benefits for the wider Islington-Hornby South industrial locality, would provide less certainty for future growth of this high-demand industrial area (and assist less in helping Council meet its requirements to provide sufficient medium and long term development capacity in locations of demand), and would have less of an impact on a competitive industrial land market in Greater Christchurch.

- 39 The evidence of **Mr Inness** further demonstrates that the majority of the enabling infrastructure works and hence costs fall within Stage 1, including upgrades to the water supply and wastewater networks, the sewer pump station and rising main, the stormwater basins, and new intersections on Barbers Road<sup>17</sup>
- 40 These works must all be constructed at the outset to serve the full development, meaning that Stage 1 carries a disproportionately large share of the total capital expenditure. **Mr Inness** also explains that limiting the infrastructure to only what is required to accommodate Stage 1 would be

---

<sup>15</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [30]

<sup>16</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [32].

<sup>17</sup> Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe at pages 2-3.

inefficient, as it would necessitate duplicating infrastructure in the future. This would include resizing stormwater facilities and potentially repeating upgrades to the water, wastewater, and power networks if later stages were subsequently developed. Ultimately, these works must be delivered upfront to ensure an efficient, integrated infrastructure solution for the entire development.

- 41 **Mr Christie's** financial modelling confirms that the Project does not reach a break-even position until Stage 3, and that Stage 1 alone cannot absorb these costs without rendering the development financially unviable.<sup>18</sup> **Mr Christie** explains that revenue from Stage 1 alone would not offset these upfront enabling works. Therefore, based on the evidence before the Panel, if a condition restricting development to Stage 1 were imposed, it would undermine the Application's viability.
- 42 **Mr Inness** also provides an estimate for the Pound Road / Waterloo Road / SH1 Intersection Upgrade, noting that it is subject to escalation, design refinement, and approval processes.<sup>19</sup> **Mr Christie's** assessment of the project's commercial feasibility shows that NTP is able and willing to contribute 20 per cent toward the Intersection Upgrades. If NTP were required to pay the full cost of the Intersection Upgrades, the financial burden would exceed the thresholds required for investment approval, and the development would not proceed.<sup>20</sup>
- 43 Accordingly, based on the evidence before the Panel, if either a condition restricting the Proposal to Stage 1 were imposed, or a condition was imposed where NTP were required to pay the entirety of the Intersection Upgrades, it would undermine the feasibility of the Application. In either scenario, the Project could not proceed, the Application's regional or national benefits would be zero, and the purpose of the FTAA would not be met.
- 44 As stated by **Ms Hampson**:<sup>21</sup>

Critically, if limiting the development to a particular stage (less than stage 4) means that the development is not commercially viable, then no

---

<sup>18</sup> Appendix 4: Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel at page 2.

<sup>19</sup> Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe at pages 2 – 3.

<sup>20</sup> Appendix 4: Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel at page 3.

<sup>21</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [33].

economic benefits will be delivered in this location (significant or otherwise).

### **Legality of the Applicant's Condition**

45 The Applicant's Condition is consistent with, and gives proper effect to, the requirements of the FTAA, including sections 81, 83 and 84A. It represents the only transportation condition before the Panel related to the Intersection Upgrades that can be regarded as compliant with those statutory provisions under the FTAA.

46 Schedule 5 clause 18 sets out the criteria for conditions on resource consent for approval under the FTAA:

When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:

(a) a reference to a consent authority must be read as a reference to a panel; and

(b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

[Emphasis ours.]

47 As stated above, in considering the Application under s 81, including the setting of conditions, under clause 17 the Panel must "take into account" the purpose of the FTAA, along with those relevant RMA provisions, subject to all necessary modifications, giving the purpose of the FTAA the greatest weight.

48 Further, in accordance with section 81(2)(d), the Panel "must comply with section 83 in setting conditions." Section 83 of the FTAA requires that:

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

[Emphasis ours.]

49 Section 84A sits alongside these obligations. Section 81(2)(ea) allows the Panel to "impose conditions under section 84A". Section 84A does not expand the Panel's powers beyond the limits in section 83. Rather, it states:

(1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support—

(a) the project; or

(b) the stage of the project to which the application relates.

(2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

(3) To avoid doubt, a condition set under this section may impose an obligation on the applicant only.

50 Read together, sections 81, 83 and 84A create a tightly circumscribed statutory framework that confines the Panel's powers to impose conditions. In summary:

(a) When considering the Application, including conditions, the Panel must "take into account" RMA provisions, but must give the greatest weight to the purpose of the FTAA.

(b) The Panel is required to assess whether a condition it sets in relation to an adverse impact would be "more onerous than necessary." That requirement does not apply in the same way where an applicant has voluntarily proffered a condition, as the applicant has already confirmed the condition is appropriate, and any constraint that arises from the condition will also have been factored into its benefits assessment:

(i) Section 108AA(1)(a) of the RMA is central to this issue. It expressly empowers a consent authority to impose conditions that might otherwise be beyond its jurisdiction, provided the applicant agrees to them.

(ii) The Applicant's agreement cures any underlying unlawfulness that would otherwise attach to the condition, because the Applicant has voluntarily accepted the obligation and effectively undertaken to comply with it.

(iii) In the Sunfield draft decision, the Applicant agreed to the imposition of conditions regarding the provision of three-waters

infrastructure that might otherwise be unlawful. On this, the Panel stated:<sup>22</sup>

Absent the Applicant agreeing to the imposition of such conditions, the Panel finds that they would be unlawful on account of them frustrating the grant of consent. The development cannot (practically) proceed without three-waters infrastructure in place, and conditions requiring such servicing in circumstances where agreement has not yet been reached with Watercare, may very well frustrate the consent. However, as the Applicant has agreed to the imposition of such conditions, the Applicant cannot in the future, plead that such conditions are unlawful on account of them frustrating the consent. The Applicant is bound by those conditions in that regard.

- (c) In setting conditions, the Panel may impose conditions to ensure that the infrastructure in the project area or other infrastructure on which the project will rely is or can be made adequate. This section applies in addition to and does not limit any other powers to set conditions under the Act.
  - (d) The Panel may not impose conditions that place obligations on third parties or require actions outside the Applicant's control. Any condition must be capable of being complied with by the Applicant itself.
- 51 The Applicant's Condition is the only transportation condition in relation to the Intersection Upgrades which the Applicant has voluntarily proffered. It has been deliberately drafted to require the Applicant to either wait until a specified date (i.e. 1 January 2029, being the fallback date) or secure a development agreement before issuing Stage 2 titles (which is a matter it can control). This is significant for the following reasons:
- (a) Because the Applicant's Condition is proffered, the Panel is not required to ask the question of whether it is more onerous than necessary. The Applicant has already satisfied itself that the condition does not undermine its ability to deliver the Project, and any constraints imposed by proffered conditions form part of the assessment of the Project's benefits:

---

<sup>22</sup> Draft decision of the Expert Panel on the Sunfield Application [FTAA-2503-1039] at [824].

(i) **Mr Christie** confirms the Applicant's Condition does not undermine the Project's viability, and that the staging requirement fits within NTP's expected delivery program.<sup>23</sup>

(ii) **Mr Christie** states:<sup>24</sup>

The Development, as proposed in the Substantive Application and incorporating the proposed and agreed conditions currently meets the financial hurdle requirements of NTP, and Ngāi Tahu Holdings Corporation (NTHC).

(b) The Applicant's Condition represents the least onerous, legally permissible method (i.e. without imposing obligations on third parties) for managing transportation effects under the FTAA framework, as it provides that the Intersection Upgrades can be made adequate, prior to traffic effects becoming potentially significant, noting that:

(i) The Applicant's Condition delays the release of Stage 2 titles, creating a delay for which Stages will be delivered, during which the Intersection Upgrades can be advanced.

(ii) The Applicant's Condition ensures full development cannot proceed until after NZTA's investigations into the wider Hornby and corridor improvements have concluded and the outcome can be advanced.

(iii) **Mr Inness** has demonstrated that Intersection Upgrades are already well-defined and can be delivered within an estimated two-year design, approvals, and construction program.<sup>25</sup>

(c) As the condition does not undermine the Project's delivery, it best serves the purpose of the Act to "*facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*"

52 The Panel can be satisfied that the Applicant's Condition lawfully and appropriately manages transportation effects in accordance with sections 81, 83 and 84A. It enables the Panel to consider the possibility of the

---

<sup>23</sup> Appendix 4: Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel at page 1.

<sup>24</sup> Appendix 4: Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel at page 1.

<sup>25</sup> Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe at pages 3.

Intersection Upgrades, ensures the Applicant's effects are proportionately addressed through mechanisms within its control, and avoids imposing any condition that would be unlawful or contrary to the FTAA's overarching purpose.

- 53 In implementing the Applicants Condition, the Applicant acknowledges that the Panel must also recognise that there is no certainty that the Intersection Upgrades will occur within any specific timeframe, as their delivery is dependent on the sequencing, prioritisation and funding decisions of NZTA and CCC, who have confirmed that there is no funding programmed and delivery of the Intersection Upgrades sit outside the Applicant's control.
- 54 Accordingly, when assessing the potential adverse impacts of the Project, the Panel must consider both the extent to which the Applicant's conditions reduce and manage the transport effects, but also the possibility that the Intersection Upgrades may be delayed or not completed before the transport effects of the Project are experienced on the network.
- 55 That possibility of delay, however, does not justify imposing a more onerous condition that would undermine the Proposal. Given that the Applicant's Condition already appropriately manages the effects the Applicant can control, the correct next step, if the Panel considers any residual adverse effects still material, is to undertake the proportionality assessment under s 85(3). That provision allows refusal only if the Panel forms the view that any remaining adverse impacts are sufficiently significant to be out of proportion to the Project's regional or national benefits, even after taking into account any conditions the Panel may set and any conditions or modifications the Applicant may agree to or propose.

### **Significance of Adverse Impacts in Proportion to Regional or National Benefits**

- 56 Under section 81(2)(f), the Panel may decline the approval only in accordance with section 85 of the FTAA.
- 57 Relevantly, section 85(3) states:

A panel may decline an approval if, in complying with section 81(2), the Panel forms the view that—

(a) there are 1 or more adverse impacts in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Panel has considered under section 81(4), even after taking into account—

(i) any conditions that the Panel may set in relation to those adverse impacts; and

(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

58 Accordingly, once the extent of the project's regional and national benefits has been identified, the Panel may decline the Application under section 85(3) only where the adverse impacts are so significant that they are out of proportion to those benefits.

59 The s 85(3) test and the decision-making criteria in the Schedules require weighing incommensurables (at its most general, between economic benefits and environmental impacts), which, at least sometimes, is likely to involve something akin to the overall judgment approach.

*When monetisation of adverse impacts is appropriate*

60 As stated by **Ms Hampson**, best practice under the FTAA requires that, where practicable, economic benefits are expressed in net terms when there are comparable economic costs that can be deducted.<sup>26</sup>

61 It is acknowledged, however, that an assessment of "economic benefits" or "adverse impacts" under the FTAA does not require the Panel to undertake a cost-benefit analysis that monetises all environmental, social, and cultural factors. The Applicant maintains that this remains the correct legal approach.

62 This accords with the approach taken in the Supreme Court in *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board*.<sup>27</sup> In that case, which concerned seabed mining, it was argued that the requirement to assess "economic benefit to New Zealand" obliged the decision-maker to translate environmental, social, and cultural impacts into monetary values. In the specific context of that case, the Supreme Court rejected that interpretation, confirming that a "qualitative analysis of environmental, social and cultural benefits and costs" was open to the decision-maker.<sup>28</sup>

---

<sup>26</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [34].

<sup>27</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127.

<sup>28</sup> *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2021] NZSC 127 at [188] – [192].

- 63 The reason for this is obvious under the RMA; there have been many decisions made on qualitative analysis only because they deal with particular social, cultural or environmental effects that cannot meaningfully be expressed in economic terms. These include effects for which there is no accepted methodology to assign a monetary value, or attempting to do so would produce results too uncertain or speculative to be of assistance.
- 64 However, under the RMA, where particular types of effects can be expressed in economic terms using accepted and standard methodologies, monetisation can assist the Panel under the FTAA. In these cases, monetisation provides an additional analytical tool that may help inform the Panel's consideration, without displacing the broader assessment required under the FTAA.
- 65 In the present circumstances, transportation effects provide a clear example of environmental impacts (or "costs") that can be monetised and that analysis can be considered alongside qualitative analysis. In this case, **Ms Hampson**, taking **Mr Fuller's** annual totals (expressed in net additional hours of delay in the morning and evening peak and net additional counts of total crashes over the course of a year), has applied monetised ratios from the NZ Transport Agency Waka Kotahi 'Monetised Benefits and Cost Manual 2025'. This manual is "the industry standard for the economic evaluation of land transport activities".<sup>29</sup>
- 66 These monetised delay costs, therefore, when considered alongside his qualitative assessment of network performance and safety, form part of the wider information available to the Panel when assessing the transportation effects of the Proposal.

#### *Proportionality Assessment of the Application*

- 67 As stated above, if the Panel considers any residual adverse effects still material such that it is considering declining an approval, it is required to undertake the proportionality assessment under s 85(3).
- 68 The Applicant has already provided an assessment of the cumulative effects of the Application within its section 55 response. As stated previously, the majority of effects and associated management measures have now been agreed with the relevant administering agencies. Only a small number of discrete matters remain in dispute between the parties.

---

<sup>29</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [37].

69 In collaboration with **Mr Fuller, Ms Hampson** has been able to monetise the estimates of the indicative cost of congestion and reduced road safety attributable to the proposed development, and assuming no Infrastructure Upgrades of the Pound Road-SH1 and Pound Road-Waterloo Road intersections.<sup>30</sup>

70 In consideration of this:<sup>31</sup>

Taking into account all of the additional modelling carried out for this memo, and notwithstanding the limitations of the economic impact modelling, I do not consider that any of the monetised costs of the project (with a maximum annual value of <sup>2019-21</sup>\$35 million from 2038 onwards) are sufficiently significant to be out of proportion with the significant regional economic benefits of the project (estimated at <sup>2020</sup>\$994 million per annum in gross operational output from 2038 onwards (equivalent to annual value added of <sup>2020</sup>\$510 million)).

71 When taking these indicative costs into account, in conjunction with all other adverse impacts of the Proposal, the Applicant considers that the cumulative adverse impacts do not reach a level that could be considered "sufficiently significant" such that they would outweigh the project's regional benefits.

72 Overall, the proportionality assessment demonstrates that, with the Applicant's Condition in place and recognising the scale of regional benefits associated with the Project, the residual adverse effects fall well within what is acceptable under section 85.

### **Comments on New National Policy Direction**

73 In Minute 11, the Panel directed the Applicant to provide their assessment of the application / implications of the new / amended national direction instruments relevant to the Application for consideration.

74 A planning assessment of the new or amended national direction is attached as **Appendix 5**.<sup>32</sup> In summary, no new or amended national

---

<sup>30</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [35].

<sup>31</sup> Appendix 1: Natalie Hampson, Savvy Consulting Limited, FTAA-2505-10057: Pound Road Christchurch Applicant Response at [50].

<sup>32</sup> Appendix 5: Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Instruments Planning Assessment.

directions warrant further assessment as none are relevant to the Application, except for:

- (a) the National Policy Statement for Natural Hazards (**NPS-NH**); and
- (b) the National Policy Statement for Infrastructure 2025 (**NPS-I**).

75 **Ms Brown** concludes that the Application is consistent with the NPS-NH because the site has a low level of natural hazard risk.<sup>33</sup> The Application site lies outside any Flood Management Area, has no watercourses likely to cause flooding, and low-lying areas will be filled with overland flow paths provided. Additionally, liquefaction risk is assessed as negligible based on geotechnical evidence, a view supported by council experts. Together, the likelihood and consequences of natural hazards fall within the NPS-NH's low-risk category.

76 For the NPS-I, **Ms Brown** has assessed the Application as partially inconsistent due to its added pressure on the already-constrained SH1 / Pound Road and Waterloo Road / Pound Road intersections.<sup>34</sup> Still, **Ms Brown** notes that these are needed regardless of the development, and the applicant has offered staging and funding contributions to support them. Other infrastructure, including three waters, will be improved, and most NPS-I policies will be met. Overall, despite potential transport impacts, the Application is not contrary to the NPS-I as it accommodates future upgrades and does not impede infrastructure functioning.

77 Regardless, in the fast-track context, the extent to which the Application may be partially inconsistent with aspects of national direction does not determine the outcome. While s 81<sup>35</sup> of the FTAA requires the Panel to take into account relevant provisions of national direction that would normally require an application to be declined consent under the RMA. It directs that the Panel must not treat those provisions as requiring a decline in the fast-track process. Likewise, this is reiterated under s 85(4) of the FTAA, which states that:

a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other

---

<sup>33</sup> Appendix 5: Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Instruments Planning Assessment at [6] – [17].

<sup>34</sup> Appendix 5: Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Instruments Planning Assessment at [18] – [46].

<sup>35</sup> Fast-track Approvals Act 2024, s 81(2)(b) and s 81(3)(a); Fast-track Approvals Act 2024, Schedule 5 cl 17 – 22.

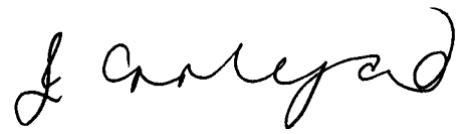
document that a panel must take into account or otherwise consider in complying with section 81(2).

- 78 Accordingly, while national direction provides relevant context, any partial inconsistency with that direction is properly treated as an adverse impact that forms part of the Panel's overall assessment. It is one factor to be weighed among all others, but it does not in itself restrict the Panel's ability to recommend approval, provided the Panel is satisfied that the adverse impacts are not sufficiently significant to be out of proportion to the project's regional or national benefits.

### **Conclusions and Overall Approach**

- 79 The potential adverse impacts of the Application are typical of those associated with large-scale industrial development and must be assessed within the statutory framework of the FTAA.
- 80 The Applicant's evidence demonstrates that, with the Applicant's Condition, the transport-related effects of the Project can be reduced and managed in a manner consistent with s 81, 83 and 84A. Any residual adverse impacts do not reach the threshold of being "sufficiently significant" to be out of proportion to the Project's substantial regional benefits when assessed under s 85(3). Those benefits are significant and well-established in the evidence.
- 81 Having regard to the purpose of the FTAA, the applicable decision-making criteria, and all relevant expert assessments, the Application meets the statutory purpose of facilitating infrastructure and development projects with significant regional or national benefits. The Applicant's Condition lawfully and appropriately manages the transportation effects within the constraints of the Act, avoids imposing obligations on third parties, and provides the only workable and proportionate method to address those effects. Accordingly, the approvals sought should be granted, subject to the proposed conditions.

Dated this 26 February 2026

A handwritten signature in black ink, appearing to read "Jo Appleyard". The signature is written in a cursive, flowing style.

---

Jo Appleyard / Tallulah Parker  
Counsel for NTP Development Holdings Limited

**Appendix 1: Natalie Hampson, Savvy Consulting Limited, Pound Road  
Christchurch Applicant Response.**

**Appendix 2: Nick Fuller, Novo Group, Pound Road, Christchurch  
Applicant Response to Minute 14.**

**Appendix 3: Todd Inness, Davie Lovell Smith, Pound Road Industrial Development, Panel Minute 14 Response Infrastructure Costs and Timeframe.**

**Appendix 4: Dean Christie, Ngāi Tahu Property, FTAA Substantive Application – Pound Road Industrial Development, Minute 14 of the Expert Panel.**

**Appendix 5: Georgia Brown, Novo Group Limited, Pound Road Industrial Development Response to Minute 11 Instruments Planning Assessment.**

**Appendix 6: Georgia Brown, Novo Group Limited, Pound Road Industrial  
Development Response to Minute 11 KiwiRail Conditions.**