

Before the Expert Panel

FTAA-2505-1057

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

Memorandum to the Panel in response to Minute 12

Date: 3 February 2026

Applicant's solicitors:

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May it please the Panel

1 The Applicant refers to Minute 12 regarding the Pound Road Industrial Development [FTAA-2505-1057] Application (**Application**).

2 In Minute 12 the Panel confirms and directs that:

Any amendments or additions to Appendix 1, the list of topics for discussion at conference, are to be filed by Tuesday, 3 February 2026. The parties (including the Transport Agencies) should use this as an opportunity to identify where agreement has been reached on any topics so the Panel can consider the matters that need to be discussed at the conference.

Summary of Updated Topic Positions

3 The following statements represent the consolidated and agreed-on summary of discussions between the Applicant, New Zealand Transport Agency (**NZTA**), Christchurch City Council (**CCC**), and KiwiRail (together **the Parties**):

(a) The nature of the upgrade required (in terms of physical works, etc), including the requirement for a Level Crossing Safety Assessment as part of and to inform the planning/design phase of that upgrade;

(i) NZTA agrees as relevant to the works at the Pound Rd/State Highway intersection.

(ii) NZTA otherwise defer to CCC and KiwiRail for the remainder of the works. CCC agree.

(b) An upgrade may be required (at some point in the future) irrespective of the development, due to background growth on the road network.

(i) NZTA agree.

(ii) CCC accept that mitigation is needed, but the detail is unclear noting that they are bound by the Long-Term Plan in terms of priorities and requirements. It is also not clear as to where exactly the works fit with CCC vs NZTA (noting the intersections generally operate together/as one).

(c) An upgrade to the intersections is required to accommodate the full development proposed by the Applicant and background traffic growth.

- (i) NZTA agree (consider the effects should be revisited in context of existing traffic network/volumes in regard to the actual effects of this proposal).
 - (ii) CCC agree.
- (d) The upgrade isn't required for the first stage of development proposed by the Applicant. The Applicant confirms that the Stage 1 modelling also includes background traffic.
 - (i) NZTA agree (in the context of background traffic).
 - (ii) CCC agree.
 - (iii) The Applicant notes that restricting the development to Stage 1 only would render the project commercially unviable and would never start.
- (e) The upgrade 'can' occur (in terms of it being feasible and with no significant complexities or risks that might preclude it being physically undertaken).
 - (i) NZTA agree.
 - (ii) CCC agree but noted that the major risk is what KiwiRail may require from the results of an Level Crossing Safety Impact Assessment (i.e. if the LCSIA confirms an overpass is required, that may impact whether the upgrade 'can' occur).
 - (iii) KiwiRail commented that if LCSIA concluded an overpass is required, the Applicant could then complete a 'so far as reasonably practicable assessment' (which considers costs v benefits, proportionately ratio of 10). At face value, Eddie Cook (KiwiRail) does not expect a grade separated facility will be required / practicable, meaning that the existing barrier arms are the best mitigation available for the crossing. KiwiRail have adequate safety mitigation in place already (asides from pedestrian gates). KiwiRail note that construction traffic can be managed through a CTMP.
 - (iv) Based on above comments from KiwiRail, CCC agree that the upgrade 'can' occur.
- (f) There is no certainty that the upgrade 'will' occur, given there is no present funding commitment from NZTA / CCC for the upgrade. Note - that NZTA have just commenced the Hornby

corridor study that will take ~12 months and examine this intersection in the context of this part of the road network, which may result in a recommendation for funding/upgrading the intersection, however that is speculative at this point in time.

- (i) All Parties agree.
- (g) The Applicant should contribute proportionate costs to the upgrade (and the general methodology for determining this, based on the proportion of development traffic through the intersections is broadly agreed).
- (i) All Parties agree that the above statement is entirely funding/project dependent. As it currently stands there is no funding in place, and the Applicant would need to meet the full cost of an upgrade or accept a staging/deferral condition if there are no smaller/interim solutions.
 - (ii) NZTA do not think that this is about proportionate costs. It is about the effect of the development on the network leading to a type of mitigation proposal, of which the applicant will need to pay as there is no funding or plan for the future from NZTA to upgrade the affected intersections. .
 - (iii) CCC note this statement could be refined to 'if/when an upgrade occurs and funding is approved, then the Applicant will contribute...'
 - (iv) The Applicant is willing to contribute proportionate costs to the upgrade based on the proportion of development traffic.
 - (v) In terms of any rail upgrades, KiwiRail note that the crossing is CCC's and thus they are responsible for cost of upgrade.
 - (vi) Parties agree this matter relates back to point (f).
- 4 The Applicant's condition provides certainty to the Applicant that they can complete their full development but entails risk (of traffic effects arising) in the event that full funding and implementation of the upgrade does not occur in time (i.e. prior to road network effects arising, or at all). The significance of these effects is yet to be confirmed, but it would entail diminished road network safety and efficiency.
- (a) All Parties agree that this links back to point (f) and (g) above.

Next Steps

- 5 The Applicant respectfully requests that, following receipt of the above information, the Panel indicate whether any further amendments to **Appendix 1** are required.
- 6 In the absence of further direction, the Parties intend to proceed with preparing a joint memorandum specifically addressing the matters identified in **Appendix 1**, for filing in advance of the conference.

Dated this 3 February 2026



Jo Appleyard / Tallulah Parker
Counsel for NTP Development Holdings Limited