

11 July 2025



Dear Fast-track team

RYANS ROAD INDUSTRIAL DEVELOPMENT - SUBSTANTIVE APPLICATION UNDER THE FAST-TRACK APPROVALS ACT 2024

- 1 We act for Ngāi Tahu Property Development Holdings (registered as NTP Development Holdings Limited) (*NTP*).
- 2 Please find enclosed:
 - 2.1 A substantive application for the Pound Road Industrial Development (*Application*) for approvals under sections 42(4)(a) and 42(4)(h) of the Fast-track Approvals Act 2024 (*Act* or *FTAA*);
 - 2.2 Checklist A (Resource consent, change to or cancellation of a resource consent);
 - 2.3 Checklist A1 (Subdivision or reclamation resource consent);
 - 2.4 Checklist E (Wildlife approval);
 - 2.5 Checklist J (Listed Project Information Requirements);
 - 2.6 An Assessment of Environmental Effects (*AEE*); and
 - 2.7 Appendices containing the reports referred to in the AEE.
- 3 The Pound Road Industrial Development proposal is to subdivide and develop approximately 60.4 hectares of land at Templeton, Christchurch for industrial purposes (*Project*). The Project will facilitate the delivery of 74 freehold lots for industrial development.

Application requirements
- 4 The Application relates to a listed project in Schedule 2 of the Act. As the authorised person for the listed project, Ngāi Tahu Property Development Holdings (registered as NTP Development Holdings Limited) is entitled to lodge a substantive application for the project under section 42 of the Act.¹

¹ Fast-track Approvals Act 2024, s 42(1).



- 5 The Application is complete and within scope in terms section 46 because it:
- 5.1 has been prepared in accordance with:
- (a) section 42; and
 - (b) sections 43 and 44;
- 5.2 relates solely to a listed project;
- 5.3 does not involve an ineligible activity; and
- 5.4 the relevant fees and levy in respect of the application will be paid once an invoice is received.²

- 6 An assessment of the Application against the requirements set out in section 43 is provided in **Attachment A** and **Attachment B** to this letter.

- 7 It is our position that the Application meets the threshold of completeness in accordance with sections 44 and 46 of the Act.

Assessment of an application under the Fast-track Approvals Act 2024

- 8 The assessment of an application made under the Act must be considered in light of the purpose of the Act which is to “*facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”.³ Parliament has made it very clear that the Act was introduced to facilitate a more efficient and certain pathway for projects through establishing a streamlined decision-making process.

- 9 The “regional or national benefits” is the primary consideration a panel must consider in deciding whether to grant approval to a substantive application. Section 85(3) provides that a panel may only decline an approval if it forms the view that:

- (a) *There are 1 or more adverse impacts⁴ 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, even after taking into account-*
 - (i) *any conditions that the panel may set in relation to those adverse impacts; and*

² In accordance with the advice received from Daya Thomson, Senior Advisor at Environmental Protection Agency (Fast-track) on 12 March 2025.

³ Fast-track Approvals Act 2024, s 3.

⁴ Defined by s 85(5) as meaning “*any matter considered by the panel in complying with s 81(2) that weighs against granting the approval.*”



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

- 10 The criteria for assessment of a resource consent application under the Act is set out in Schedule 5, clause 17 of the Act. When considering an application for resource consent (including setting conditions in accordance with clauses 18 and 19) the panel must take into account:
- 10.1 the purpose of the Act;
- 10.2 Parts 2⁵, 3, 6 and 8 to 10 of the Resource Management Act 1991 (RMA) (excluding section 104D of that Act); and
- 10.3 and any other legislation that directs decision making under the RMA.
- 11 In taking these matters into account, clause 17(1) specifies that the greatest weight is to be given to the purpose of the Act – *to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*
- 12 Significantly, that clause also states that s 104D of the RMA, which sets out the gateway test for the assessment of non-complying activities under the RMA, is not to be taken into account when determining a fast-track application. This means that when assessing a fast-track application for a non-complying activity it is not necessary to clear a jurisdictional hurdle of showing that the adverse effects of the activity on the environment 'will be minor' or that the activity will not be contrary to the objectives and policies of the relevant plan.
- 13 Therefore, in the context of this fast-track application for resource consent, the assessment will not depend on whether the effects are minor or consistent with relevant planning documents. Rather it will turn on whether those effects or impacts are "sufficiently significant" to be out of proportion to the project's regional or national benefits. This is a very different framework for assessment than if the application had been made under the RMA.
- 14 Similarly, in terms of the framework for assessment for a wildlife approval, Schedule 7, clause 5 provides that when considering an application for wildlife approval (including conditions under clause 6), the panel must take into account:
- 14.1 the purpose of the Act;
- 14.2 the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and

⁵ Fast-track Approvals Act 2024, schedule 5, cl 17(2)(a) clarifies that Part 2 of the RMA must be read as a reference to sections 5, 6 and 7 of that Act. Section 8 of the RMA is therefore not a relevant consideration under the Fast-track Act.



14.3 information and requirements relating to the protected wildlife that is to be covered by the approval.

- 15 In taking these matters into account clause 5 also specifies that the greatest weight is to be given purpose of the Act, again highlighting that the purpose plays a crucial role in the assessment of applications under the Act.

Benefits of the Pound Road Industrial Development

- 16 As detailed in the Application, the Pound Road Industrial Development aligns with the purpose of the Act insofar that it will deliver 'significant regional or national benefits', including driving regional economic growth, creating employment opportunities, and contributing to Canterbury's broader development objectives.
- 17 The Project site will naturally extend the existing Waterloo Business Park (Industrial General Zone), which is considered suitable (feasible) for industrial development and is likely to contribute to a well-functioning urban environment. Additionally, the Project is expected to address planning shortfalls in the medium and long-term. The total planning shortfall, ranging between 15.1ha and 43.9ha by 2034, which is significant in the long term.

No significant adverse impacts

- 18 For the purpose of s 85(3), there are no adverse impacts associated with the Project that cannot be appropriately avoided, remedied or mitigated.
- 19 Therefore, given that there are no significant adverse impacts, the project easily answers the question of whether there are any adverse impacts that are sufficiently significant to be out of proportion to the benefits.

Proposed conditions

- 20 Conditions on an approval under the FTAA must only be imposed if they are proportionate (in terms of a significance assessment). Section 83 of the FTAA specifically restricts the imposition of conditions to being "*no more onerous than necessary to address the reason for which it is set*".
- 21 During the readings of the Fast-track Approvals Bill, Parliament specifically discussed at length the issues with the RMA including the ability to impose "*overly punitive conditions*"⁶ that have rendered projects so uneconomic that they may never be built.⁷ To address this issue, the FTAA deliberately sets a high threshold for when conditions can be set. As summarised by Hon Chris Bishop:⁸

"the Government's view is that the status quo is unacceptable when it comes to speed, when it comes to condition setting, when it comes to environmental protections weighed against the economic interests. So we are disrupting that—we are quite explicit about that. We want more houses built more quickly, we want

⁶ (17 December 2024) 780 (Fast-track Approvals Bill – Third Reading, Hon Chris Bishop).

⁷ See for example (10 December 2024) 780 (Fast-track Approvals Bill – In Committee, Hon Chris Bishop discussing renewable energy projects that have been consented but have ever been built).

⁸ (10 December 2024) 780 (Fast-track Approvals Bill – In Committee, Hon Chris Bishop).



renewable energy built more quickly, we need more quarries, we need more mines, we need more infrastructure built. The status quo does not work; it fails New Zealand, and that is why we have fast track.”

- 22 A set of proposed conditions has been provided as part of the Application (the *Proposed Conditions*). The conditions have been prepared with the assistance of expert consultants, taking into account feedback received from Christchurch City Council and Canterbury Regional Council, and are appropriate for addressing any adverse effects.

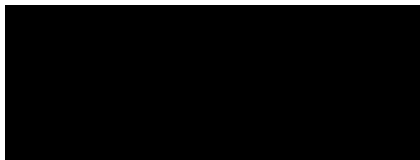
Completeness

- 23 Legal advice on the ‘completeness’ of the Application is provided in **Attachment 4** to this letter. In summary, Parliament was clear in its chosen wording of section 44 to impose the same threshold for completeness under the FTAA as the RMA in terms of “*sufficient detail to satisfy the purpose for which it is required.*” i.e. the purpose for which it is required is for an applicant to make an application.
- 24 Applicants under the FTAA are not required to meet a threshold that imposes unrealistic information expectations, and such an approach would be contrary to the purpose for which the FTAA was implemented.

Conclusion

- 25 The Pound Road Industrial Development will deliver significant economic benefits to the Canterbury region. The Project does not involve any adverse impacts that would meet the test of being ‘sufficiently significant’ to be considered out of proportion to those benefits. Therefore, taking into account the purpose of the Act as the primary consideration, there is no basis to decline the approvals sought in the Application.
- 26 While the test for conditions under the FTAA is different to the test under the RMA, the proposed condition set has been prepared in accordance with the RMA tests in mind to avoid, remedy or mitigate so as to exceed the requirements of the FTAA.
- 27 The Application is complete and within scope in terms of section 46 of the Act.
- 28 We look forward to receiving the EPA’s determination of completeness within the specified timeframe.⁹

Kind regards



Jo Appleyard / Tallulah Parker
Partner / Senior Solicitor

⁹ Fast-track Approvals Act 2024, s 46(1).



ATTACHMENT 1 – ASSESSMENT OF THE APPLICATION AGAINST SECTION 43 OF THE FAST-TRACK APPROVALS ACT 2024

- 1 The Substantive Application (*Application*) for the Pound Road Industrial Development project (*Project*) complies with the requirements of s 43 of the Fast-track Approvals Act 2024 (FTAA). Specifically, the Application:
 - 1.1 is lodged in the form and manner approved by the Environmental Protection Authority (s 43(1)(a));
 - 1.2 explains why the Project is consistent with the purpose of the FTAA2024 to “*facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”. The significant regional and national benefit of the Pound Road Industrial Development project is detailed in **Appendix 16 and Appendix 17** to the AEE and is implicit in the government's decision to include the Project as a listed project under Schedule 2 of the Act (s 43(1)(b)(i));
 - 1.3 does not involve any ineligible activities as defined in s 5 of the Act (s 43(1)(c));
 - 1.4 is not lodged by more than 1 authorised person (s 43(1)(d));
 - 1.5 is not subject to any information requirements specified by the Minister under s 27(3)(b)(ii) and complies with:
 - (a) the information requirements for an approval set out in clauses 5 to 8 of Schedule 5 (resource consent); and
 - (b) the information requirements for an approval set out in clause 3 if Schedule 7 (Wildlife approval);(s 43(1)(e));
 - 1.6 has not been subject to an application for determination under ss 23 or 23 (ss 43(1)(f) and 43(1)(g));
 - 1.7 does not relate to a priority project (s 43(1)(h));
 - 1.8 as a listed project, is not subject a deadline specified in a notice under s 38(3)(d) (s 43(1)(i));
 - 1.9 all fees, charges, or levies payable under regulations in respect of the application will be paid by the applicant (s 43(1)(j));¹⁰ and

¹⁰ In accordance with the advice received from Daya Thomson, Senior Advisor at Environmental Protection Agency (Fast-track) on 12 March 2025.



1.10 complies with the information required by s 43(2) (refer to **Attachment 2** to this letter).

2 The Application is therefore complete in terms of s 46 of the Act.



ATTACHMENT 2 – ASSESSMENT OF THE APPLICATION AGAINST THE RELEVANT SECTION 43(2) OF THE FAST-TRACK APPROVALS ACT

- 1 The Substantive Application (*Application*) for the Pound Road Industrial Development project (*Project*) complies with s 43(2) of the Fast-track Approvals Act 2024 (*FTAA*) which states that if a substantive application is for a listed project, it must also contain the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)), which applies—
 - (a) as if the reference in section 13(4)(k) to section 11 were a reference to section 29; and
 - (b) as if the reference in clause 2 of Schedule 11 to section 12(2) were a reference to section 29; and
 - (c) with any other necessary modifications.
- 2 The Application complies with s 43(2) because:
 - 2.1 it contains a description of the Project and the activities it involves (s 13(4)(a));
 - 2.2 it does not involve any ineligible activities as defined by s 5 (s 13(4)(c));
 - 2.3 it contains a description and maps of the whole project area that identifies the boundaries in sufficient detail to enable consideration of the Application (s 13(4)(d));
 - 2.4 it describes the anticipated commencement and completion dates for construction activities (s 13(4)(e));
 - 2.5 it outlines the nature and timing of proposed stages for development (s 13(4)(f)(i));
 - 2.6 it describes the anticipated and known adverse effects of the project on the environment (s 13(4)(h));
 - 2.7 it does not involve any activities involved in the project that are prohibited under the Resource Management Act 1991 (s 13(4)(i));
 - 2.8 it includes a list of the persons and groups the applicant likely considers affected by the project (s 13(4)(j));
 - 2.9 it includes a summary of the consultation undertaken for the purposes of s 29 and how the consultation has informed the Project (s 13(4)(k));
 - 2.10 there are no Treaty settlements that apply to the Project area (s 13(4)(l));



- 2.11 no processes have been undertaken under the Public Works Act 1981 in relation to the Project (s 13(4)(m));
- 2.12 the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is not relevant to the Application (s 13(4)(n));
- 2.13 it does not include parcels of Māori land, marae, and identified wāhi tapu within the project area (s 13(4)(o));
- 2.14 the applicant is not seeking a determination under s 23 of the FTAA (s 13(4)(p));
- 2.15 the applicant is not seeking a determination under s 24(2) of the FTAA (s 13(4)(q));
- 2.16 the applicant is not seeking a determination under s 24(4) of the FTAA (s 13(4)(r));
- 2.17 it contains a description of the applicant's legal interest in the land and contains a statement of how that affects the applicant's ability to undertake the work (s 13(4)(s));
- 2.18 no other consents, certificates, designations, and other legal authorisations (other than contractual authorisations or the proposed approvals) are needed to authorise the Project (including any that may be needed by someone other than the applicant) (s 13(4)(t));
- 2.19 no activities involved in the Project, or are substantially the same as those in the Project, have been the subject of an application or a decision under a specified Act (s 13(4)(u));
- 2.20 it contains a description of whether and how the projects will be affected by climate change and natural hazards (s 13(4)(v));
- 2.21 is not lodged by more than one authorised person (s 13(4)(w));
- 2.22 no compliance or enforcement actions have been taken against the applicant under a specified Act (s 13(4)(x)); and
- 2.23 it includes the information specified in cl 2 of Schedule 5 (resource consent information requirements) including assessment of the Project against:
 - (a) any relevant national policy statement; and
 - (b) any relevant national environmental standards.

The New Zealand Coastal Policy Statement is not relevant to the Application and Christchurch City Council and Canterbury Regional have both confirmed



that there are no existing resource consents of the kind referred to in section 30(3)(a) (s 13(4)(y)(i)).



ATTACHMENT 3 – LEGAL ADVICE ON COMPLETENESS UNDER SECTION 46

Memorandum

Date: 11 July 2025
To: Novo Group Limited

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ADVICE ON THE COMPLETENESS UNDER SECTION 46 OF THE FTAA

- 1 Novo Group Limited (*Novo Group*) is currently preparing an application for approval under the Fast-track Approvals Act 2024 (*Act*) (*Application*) on behalf of Ngāi Tahu Property Development Holdings (registered as NTP Development Holdings Limited) (*NTP*). The Application relates to the Pound Road Industrial Development, at the northwest of Pound Road, east of Barters Road, Christchurch (*Site*) and is a listed project in Schedule 2 of the Act.
- 2 We understand that the Environmental Protection Authority (*EPA*) has rejected a number of substantive applications under the Act via its assessment of completeness.
- 3 Novo Group have asked for our advice on the test for completeness under section 46 of the Act and whether the Application meets this threshold so that there is a reduced risk of the Application being rejected on the basis that it is not complete.

Executive summary

- 4 In summary, the Application for approvals under sections 42(4)(a) and 42(4)(h) meets the threshold of completeness in accordance with section 46 of the Act.
- 5 Any assessment of further reporting required and/or further consultation with relevant parties to undertake a merits-based assessment of the Application is outside the EPA's scope of determination on completeness. Further information of this kind in terms of the Application can be provided to the panel under sections 51, 52, 53, 55, 58, 67, 69, 70 or 90 of the FTAA through processing of the Application. Additionally, as we have seen with other fast-track applications, information can continue to be provided by the Applicant prior to the panel convenor setting up a panel in accordance with Schedule 3.
- 6 For the EPA to decide the Application is not complete would run counter to the provisions of the FTAA and the purpose for which the legislation was implemented, as substantiated in the most recent commentary provided by Minister Shane Jones.¹

¹ <https://businessdesk.co.nz/article/infrastructure/fast-track-early-birds-pass-first-hurdle-jones-warns-officials-against-hobbling-the-process>.



The FTAA and completeness under section 46

- 7 The FTAA commenced on 23 December 2024. The purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefit.²
- 8 The FTAA was aimed at establishing a permanent fast-track regime that would make it easier and quicker to gain approvals for development and infrastructure projects that deliver regional and national benefits.³ Its provisions propose a system that combines the multiple resource consents, notices of requirements, and certificates of compliance and approvals which would have otherwise been required from the Resource Management Act 1991 (*RMA*) and several other Acts (including the Crown Minerals Act, Conservation Act, and the Fisheries Act).
- 9 Under section 46 of the FTAA, the EPA must, in consultation with the relevant administering agencies and relevant consent authorities, decide whether a substantive application is “complete and within scope” and complies with subsection 46(2) within 15 days after receiving it.
- 10 For a substantive application to comply with this subsection, it must comply with sections 42, 43, and 44. Information requirements for specified approvals are outlined in section 43 of the FTAA, with section 44 stating that:

“Information required by section 43 must be specified in sufficient detail to satisfy the purpose for which it is required.”

Section 88 of the Resource Management Act 1991

- 11 Section 44 of the FTAA mirrors clause 1 of Schedule 4 of the RMA in terms of information requirements for a resource consent application in alignment with section 88 of the RMA “Making an Application”. This means that case law decided under the RMA can guide us in preparing a complete application under the FTAA.
- 12 The Courts have commented on the content and substance requirements of section 88 of the RMA, and of note have stated:
 - 12.1 Applications need not necessarily be prepared with legal niceties; the substance and gist of the Application is what must count.⁴
 - 12.2 With a proposal of considerable scale and complexity, it is unavoidable that there will be tension between the applicant’s wish to avoid the cost of detailed design until it is known whether a resource consent will be granted, and the appellant’s wish to have full details so that any adverse effect on the environment can be identified and if possible quantified. The Court accepted the approach of determining a detailed framework or envelope of

² Fast-track Approvals Act 2024, s 3.

³ Ministry for the Environment (Fast-track Approvals Act); <https://environment.govt.nz/acts-and-regulations/acts/fast-track-approvals/>.

⁴ *Sutton v Moule* (1992) 2 NZRMA 41 (CA).



environmental standards and requirements followed by detailed final technical and engineering design once consent had been granted.⁵

- 12.3 The discretion to decide whether or not an application is complete is an administrative decision to be made in light of that particular application. It is not a merits-based consideration, which comes later in time and has no place in the section 88 consideration of completeness of the application.⁶ The High Court, referring to *New Zealand King Salmon Co Ltd v Marlborough District Council*,⁷ distinguished between the issue of completeness of an application for resource consent, which is determined under section 88 within 10 working days of the application being made, and the question of adequacy of information, which is relevant at the time of making the decision to refuse or grant the application.
- 13 Parliament was clear in its chosen wording of section 44 to impose the same threshold for completeness under the FTAA as the RMA in terms of "*sufficient detail to satisfy the purpose for which it is required*." i.e. the purpose for which it is required is for an applicant to make an application. Applicants under the FTAA are not required to meet a threshold that imposes unrealistic information expectations, and such an approach would be contrary to the purpose for which the FTAA was implemented.
- 14 Completeness is often a lesser threshold than what is required when a decision maker later makes a merits-based assessment and has received more information which in this case will be what the Panel require when making a decision on approvals sought in a substantive application.⁸ An assessment of the **adequacy of information is outside the EPA's scope of determination on completeness** under section 46 of the FTAA.
- 15 Where this is in question, the FTAA enables further information of this kind to be provided to the panel under sections 51, 52, 53, 55, 58, 67, 68, 69, 70, 72 or 90 of the FTAA through the processing of the Application. Additionally, as we have seen with other fast-track applications, information can continue to be provided by the Applicant prior to the panel convenor setting up a panel in accordance with Schedule 3.
- 16 Most importantly, where the applicant follows the often used mechanics of conditions which require subsequent actions to be taken in alignment with a detailed framework or envelope of environmental standards and requirements, this is also required to be considered in an assessment of information, i.e. a commonly used tool is for conditions to require the preparation of management plans for the

⁵ *Mahuta v Waikato* RC A091/98.

⁶ *Aspros v Wellington City Council* [2019] NZHC 1684 at [1]-[2], [18]-[33] and [52].

⁷ *New Zealand King Salmon Co Ltd v Marlborough District Council* [2018] NZHC 1357, (2018) 20 ELRNZ 722.

⁸ Fast track Approvals Act 2024, s 81.



purposes of providing information about the way in which the consent holder intends to comply with the more specific controls laid down by the conditions of consent.⁹

Consultation on Substantive Application

- 17 Under section 43(2), a listed project must contain the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)). Under 13(4)(k), this includes a summary of consultation undertaken for the purposes of section 29¹⁰ and any other consultation with the persons referred to in section 13(4)(j); and how the consultation has informed the project.
- 18 Under section 29(1), before lodging a substantive application for a listed project (like the Application), the authorised person for the project must consult the persons and groups referred to in section 11. Of relevance to the Application, this includes consultation with "relevant local authorities", "relevant iwi authorities... and Treaty settlement entities" and "relevant administering agencies".
- 19 Consultation is not defined under the FTAA; however, it is assumed that basic principles of "consultation" under the RMA apply. Consultation does not require agreement or even negotiation, but it does require more than mere notification. Consultation should be considered ongoing, and communication about a project will typically continue after an application has been lodged or even after a decision has been made.
- 20 For the Application, the relevant local authorities, iwi authorities, treaty settlement entity and relevant administering agencies have been consulted and feedback has been received. This consultation has informed the project, and NTP is currently considering and reviewing the feedback, working to integrate the recommendations into the proposal and/or responding to the relevant parties. As anticipated in RMA processes, consultation is expected to continue after the Application has been lodged. This is enabled under the FTAA through sections 53 and 70, which require the Panel to seek comment on the substantive application and draft conditions of consent.
- 21 The completeness requirements under s 43(2) require that a summary of consultation to date and how the consultation has informed the project be provided. This has been included within the Application in sufficient detail for the purpose for which it was required (i.e. to confirm compliance with section 29). We do not consider further information to be needed and/or further consultation is necessary to meet the completeness requirements for lodgement. We would encourage NTP to continue consultation with the relevant parties.

⁹ *Wood v West Coast RC* [2000] NZRMA 193.

¹⁰ Section 42(2)(a) of the FTAA requires that references in section 13(4)(k) to section 11 were references to section 29.



Approvals sought for the Substantive Application

- 22 For the Application approvals are sought:
- 22.1 under section 42(4)(a) of the FTAA for resource consents that would have otherwise been applied for under the RMA; and
- 22.2 under section 42(4)(h), a wildlife approval¹¹ for an act or omission that would otherwise be an offence under any of sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P and 70T(2) of the Wildlife Act 1953 (*Wildlife Act*).

Approvals relating to the Resource Management Act 1991

- 23 The information requirements for approvals described in section 42(4)(a) are outlined in clauses 5 to 8 of Schedule 5. These requirements are substantive and require an assessment of the effects in alignment with Schedule 4 of the RMA.
- 24 As the Application (inclusive of the Assessment of Environmental Effects (*AEE*) and its associated appendices) adheres to the information requirements outlined in clauses 5 to 8 of Schedule 5 and provides all the “*sufficient detail to satisfy the purpose for which it is required.*” As Novo Group has prepared the Application in a form that meets the threshold of complete in terms of section 88 of the RMA, it meets the threshold of complete in terms of section 46 of the FTAA.
- 25 We understand that the Application comprises a complete set of land use and subdivision consent conditions that address effects. Any issues surrounding the adequacy of information or deviation from standardised consent conditions or recommendations received through preliminary consultation are outside the EPA’s scope of determination on completeness.
- 26 The conditions submitted with the Application require management plans to be in place prior to the commencement of the works.¹² In practice, it is often also appropriate for conditions to require a management plan to be drafted later by a suitably qualified specialist in consultation with the relevant parties if specific circumstances arise. As stated by the Courts, a detailed final technical assessment and design can occur once consent has been granted.

Approvals relating to the Wildlife Act 1953

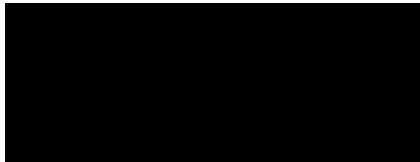
- 27 The information requirements for wildlife approvals are outlined in clause 2(1) of Schedule 7 of the FTAA.
- 28 Wildlife approvals granted under the FTAA would have otherwise been granted under section 53 of the Wildlife Act, which allows the Director-General to authorise taking or killing of wildlife for specific purposes. Any authority granted may contain such conditions as the Director-General may impose.

¹¹ Defined under clause 1 of Schedule 7 of the Fast-track Approvals Act 2024 (*FTAA*).

¹² Fish Management Plan, Lizard Management Plan, Traffic Management Plan, Environmental Management Plan (inclusive of Construction Management Plan and Earthworks Management Plan), and Wildlife Hazard Management Plan.



- 29 There are no specific statutory requirements for information to be included in an application under the Wildlife Act; however, we note that these are generally applied for through the Department of Conservation (*DOC*) as a Wildlife Act authority.
- 30 Although the Wildlife Act does not have a purpose, the Court in *Shark Experience Ltd v PauaMAC5 Inc*¹³ determined that the Wildlife Act is the principle means by which wildlife in New Zealand, including many of its most endangered species, are protected. The Wildlife Act is the fall-back protection mechanism in cases not specifically provided for by other legislation.
- 31 The Application complies with clause 2(1) of Schedule 7 (addressed in Appendix 7 to the AEE), and conditions for the approval are proposed to manage any adverse effects that may arise. A Lizard Management Plan (*LMP*) has been prepared as part of the Application and outlines management interventions proposed to protect lizard populations inhabiting the site.



Jo Appleyard / Tallulah Parker

Partner / Senior Solicitor

¹³ *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791 at [45].