

**BEFORE THE RYANS ROAD INDUSTRIAL DEVELOPMENT EXPERT PANEL
FTAA 2504-1054**

In the matter of

of the Fast-Track Approvals Act 2024 (the *FTAA*)

the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA of the Ryans Road Industrial Development project requiring:

- (a) Resource consents under sections 9, 11, 14 and 15 of the Resource Management Act 1991 to develop and subdivide land at 104 Ryans Road and 20 Grays Road, Christchurch, for a 126 lot industrial subdivision; and
- (b) Authority under section 30 of the Wildlife Act 1953 to catch and relocate native lizards

Expert Panel

Chris Fowler
(*Chair*)

Michael Parsonson
(*Member*)

Andrew Willis
(*Member*)

***Comments received
under Section 53 of the
FTAA:***

15 September 2025

**Record of Decision of the Expert Consenting Panel
under Section 87 of the
Fast-Track Approvals Act 2024**

Dated 7 May 2026

Decision: The Application is approved subject to conditions

Date of Decision:

7 May 2026

Date of Issue:

7 May 2026

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SUPERSEDED

DECISION MADE BY THE PANEL: RYANS ROAD INDUSTRIAL DEVELOPMENT FTAA - 2504-1054

PART A: EXECUTIVE SUMMARY

- 1 This is an application by Carter Group Limited (**CGL** or **the Applicant**) to undertake industrial development and associated activities on a rural-zoned Site comprising 3 lots at Ryans Road, Yaldhurst, Christchurch (**Application** or **Proposal**).¹ In summary, the Application encompasses the following activities:
 - (a) Subdivision into 126 freehold industrial lots, along with future development of industrial activities and buildings;
 - (b) Land development activities including vegetation clearance, bulk earthworks, internal and external roading and footpath construction and stream and culvert works;
 - (c) Installation of infrastructure for stormwater management, wastewater and potable water supply and power reticulation;
 - (d) Landscaping, including planting and fencing; and
 - (e) All associated and incidental activities at Ryans Road, Yaldhurst, Christchurch; (**Site**).²
- 2 The Application was included as a listed project in Schedule 2 of the FTAA. On 29 July 2025 an expert panel was appointed to determine the Application (**Panel**).
- 3 The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.³
- 4 The application material was extensive and included an Assessment of Effects (**AEE**) and some 38 Appendices to the AEE. Prior to the Panel seeking comments on the Application⁴, on 15 August 2025 the Applicant filed additional information and amended plans resulting from consultation with Canterbury Regional Council (**CRC**), Christchurch City Council (**CCC** or **Council**) and the Department of Conservation (**DOC**).
- 5 The amended application included changes recommended by an aviation safeguarding and airport compatibility assessment of the proposed development at 104 Ryans Road, Christchurch, as it relates to Christchurch International Airport by L+R Airport Consulting.⁵
- 6 In response to our invitation of 18 August 2025, the Panel received comments from commentators, including Christchurch City Council, Canterbury Regional Council, New

² The subject land is legally described as Pt Lot 3 DP 22679, Lot 4 DP 22679 and Pt Lot 1 DP 2837 and has a total area of approximately 57.64 hectares.

³ Legislation Act 2019, s 10; and FTAA, ss 10 and Schedules 5 and 7.

⁴ The Panel requested comments on the Application by Minute dated 18 August 2025.

⁵ Supra at Appendix F – Christchurch International Airport Safeguarding Assessment dated 14 August 2025.

Zealand Transport Agency (**NZTA**), Airways Corporation of New Zealand (**Airways**), Christchurch International Airport Limited (**CIAL**) and nearby property owners, by 15 September 2025. The comments included those in support of the Application and those against.

- 7 The primary commentators against the Application were Airways and CIAL and their comments are summarised below. A full assessment of those comments is contained in this decision report (**Decision** or **report**). The Panel has carefully reviewed all of that information in evaluating the Application.
- 8 The Panel has applied the statutory tests in the following provisions in determining and approving the Application].
 - (a) Schedule 5, clause 17 - criteria and other matters for assessment of resource consent applications.
 - (b) Schedule 7, clause 5 - criteria for assessment of an application for a wildlife approval.
- 9 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA.
- 10 The Panel therefore grants approval for the Application subject to the conditions in **Appendix 1** (District Council conditions of consent), **Appendix 2** (Regional Council conditions of consent) and **Appendix 3** (Wildlife Act approval conditions).
- 11 This decision is made in accordance with section 87 FTAA. This Decision covers all the approvals sought under the substantive application. This Decision document includes:
 - (a) The decision – throughout and summarised in Part N;
 - (b) The reason for the decision – throughout and summarised in Part N;
 - (c) A statement of the principal issues in contention – Part I and summarised in Part N; and
 - (d) The main findings of the principal issues in contention – Part I and summarised in Part N.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

- 12 Carter Group Limited is the authorised person for the Ryans Road Industrial Development project as set out in Section 42 of the FTAA.

Site and surrounding environment

- 13 The Site comprises an area of approximately 57.64 ha in two separate title records located at 104 Ryans Road, in the suburb of Yaldhurst, situated on the northern rural-urban fringe of Christchurch City. The Site is identified in Figure 1 and Figure 2 below.⁶
- 14 The land contained within Lot 4 DP 22679 and Part Lot 3 DP 22679 comprising 55.5ha is proposed to be subdivided and developed for industrial uses. The balance of the Site at Part Lot 1 DP 2837 is proposed to provide for stormwater and water utility requirements and a balance area. For the purposes of our decision, and where a distinction is required from the Site as a whole, these areas are referred to as the **industrial block** and **balance block**, respectively.
- 15 The industrial block is situated on the north side of Ryans Road, to the west of Grays Road. Christchurch International Airport (**Christchurch Airport**) is positioned immediately to the north and west of the industrial block. The main north-south runway is located approximately 170 m away in the northern aspect. In the western aspect is predominantly open grassed land that contains surveillance, communication and navigation facilities associated with operation of the Christchurch Airport. The balance block sits on the eastern side of Grays Road, opposite the industrial block.
- 16 In the southeast corner of the industrial block, is an old, abandoned dwelling, clustered with various farm storage sheds and water tanks. This section of the Site is enclosed and interspersed with tall established exotic trees and hedging. The Site is generally flat with a gentle slope from west to east and predominantly consists of grassed paddocks with some vegetation around the property.

⁶ Figures 1 and 2 are from the AEE filed with the Application at [33].

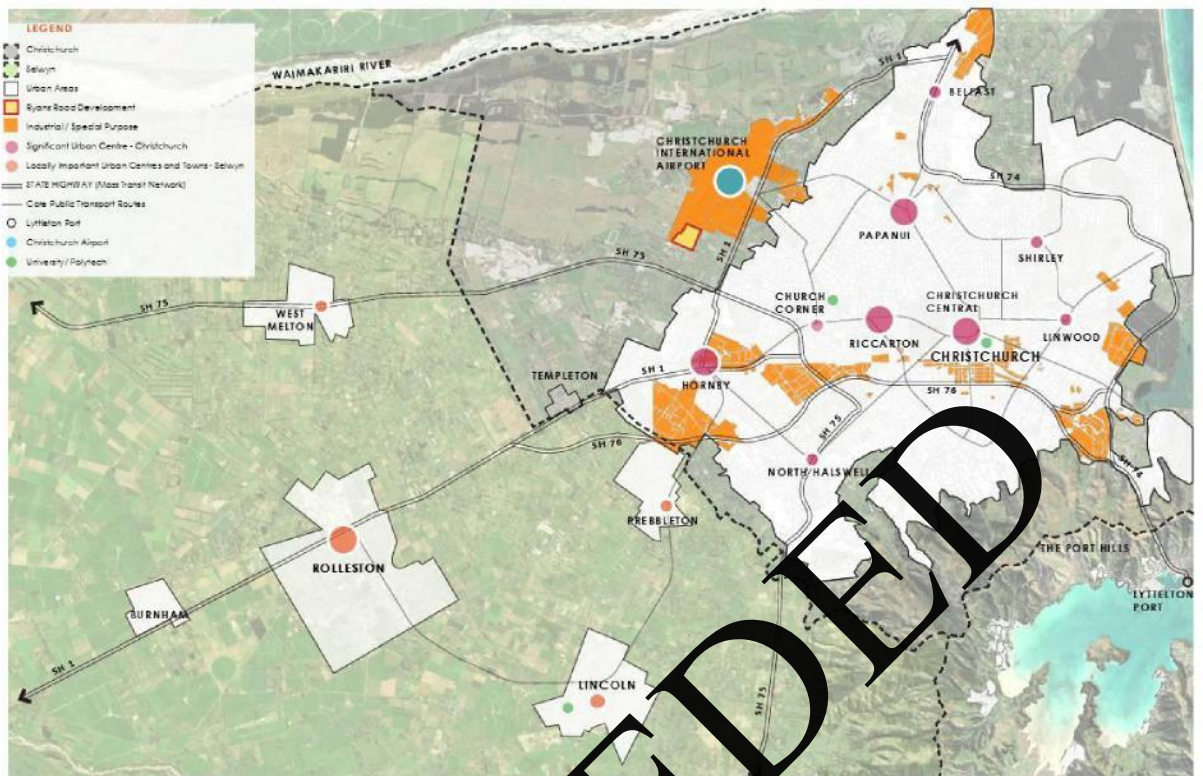


Figure 1: Christchurch Context Plan (Source: DCM)



Figure 2: Aerial image of locality (Source: Toitū Te Whenua LINZ)

- 17 The industrial block is currently accessed via private crossings on Ryans Road and Grays Road. The balance block is accessed via a private crossing on Grays Road.
- 18 A water race flowing east to west is located on the Site's Ryans Road frontage. This is a lateral channel of the Paparua Water Race Network (**PWRN**) and is owned and operated by Selwyn District Council (**SDC**). It sources water from the Waimakariri River near Intake Road and supplies irrigation and stock drinking water to the surrounding area.
- 19 The Site is subject to several significant noise sources and experiences higher noise levels which distinguish it from typical or more remote rural environments. Existing noise levels at the Site already exceed the District Plan noise rules, particularly during more sensitive nighttime hours. This is described in further detail in the acoustic assessment submitted with the Application.⁷
- 20 There are no potentially contaminating activities on the Site, except in the area of the buildings in the southeast of the industrial block where arsenic exceeded the human health guidelines in the topsoil samples (most likely due to pesticide storage) as set out in the Detailed Site Investigation.⁸ A detailed geology and geomorphology assessment of the Site is contained in the Geotechnical Report.⁹
- 21 There is no stormwater, wastewater, or potable water supply infrastructure within the Site except for that area of the industrial block containing existing buildings.
- 22 The Site is located within the Low Plains Ecological District of the Canterbury Plains Ecological Region and is situated on the western rural urban fringe of Christchurch. The site predominately comprises grazed paddock, but also contains various shrubs, larger trees and hedgerows, as well as the old, abandoned buildings.
- 23 The abandoned buildings on the site serve as avian habitat, with active starling nests and large populations of rock pigeons roosting in these structures. The Site also supports a variety of bird species including Eurasian skylarks and spur-winged plovers, which use the rank grass and hedgerows for nesting and foraging. Additionally, the site has potential habitats for native lizard species, such as southern grass skinks, particularly in areas with rank grass, rock piles, and abandoned buildings. Three southern grass skinks were captured during baseline survey trapping.
- 24 Properties opposite the Site on Ryans Road are of a rural-residential nature (211 Ryans Road to 83 Ryans Road). The wider area also contains a number of rural-residential properties located along the local roads and further within the landscape accessed via long driveways. Land use is predominantly agricultural with stock grazing and crop fields present. A number of sites in the immediate vicinity are used for industrial purposes despite their rural zoning.
- 25 To the immediate north of the site is Christchurch Airport, and to the immediate west is land designated for airport purposes, which covers the northwestern boundary of the Site. The AEE explains that the end of the emergency-stop for the runway associated with Christchurch Airport is located approximately 74m from the Site at its closest point.

⁷ See Acoustic Assessment at Appendix 4 of the Application.

⁸ AEE at Appendix 6.

⁹ AEE at Appendix 5.

The end of the physical runway is located 170m from the north-western corner of the site (closest point). Immediately northeast of the Site, on Christchurch International Airport land, is a heliport that is occupied by Garden City Helicopters (**GCH**).

- 26 The AEE identifies key intersections in the vicinity of the site as being the Pound Road/Ryans Road intersection, the Ryans Road/Grays Road intersection, and the Ryans Road/State Highway 1 (**SH1**) intersection. To this we would add the Pound Road/State Highway 73 (**SH73**) intersection to the south-west of the Site.
- 27 The Applicant provides a detailed description of the Site, the surrounding environment, existing land uses and adjacent sites in the AEE. The AEE also provides an overview of the geology and topography of the site, soils and existing infrastructure, as well as wetlands and waterways, ecology, contamination, and the existing noise environment.
- 28 Following its inspection of the Site and surrounding area and its review of the Application documents and supporting technical reports, the Panel agrees with the descriptions provided and adopts them for the purpose of this decision, with the exception of GCH and lizards which we have identified and described in our summary above.
- 29 The Site is wholly within the Canterbury Region and the Christchurch District, and is subject to the relevant statutory planning documents. In the Operative Christchurch District Plan (**CDP** or **District Plan**) the Site is zoned Rural Urban Fringe. The following District Plan notations and overlays are also relevant:
 - (a) Designation: Christchurch International Airport
 - (b) Runway End Protection Area (REPA)
 - (c) 55 dB Ldn Air Noise Contour
 - (d) 50 dB Ldn On-aircraft Engine Testing Noise Contour
 - (e) Christchurch International Airport Protection Surface
 - (f) 33kV Powerlines (Ryans Road Frontage)
 - (g) Network Utility Waterway
 - (h) Local Road - Ryans and Grays Roads
- 30 Under the Canterbury Land and Water Regional Plan (**LWRP**), the information below is relevant to the Site:
 - (a) The site is located in the area covered by the Christchurch-West Melton sub-regional chapter (Chapter 9 of the LWRP).
 - (b) Catchment Name: Selwyn/Waimakariri Plains.
 - (c) Aquifer System: Semi-confined or unconfined aquifers.
 - (d) Christchurch Ground Water Protection zone.
 - (e) Christchurch West Melton Subregion / Water Allocation zone.

- 31 Pursuant to Regulation 10 of the National Environmental Standard for Contamination in Soils (**NES-Soil**) the proposal is restricted discretionary activity.

Overview of the application

- 32 As described in the Application documents, the Applicant seeks resource consent to undertake the following activities:

- (a) **Subdivision consent:** For 126 industrial lots and infrastructures/service lots (a non-complying activity) – s11 of the RMA.
- (b) **Land use consent:** For future industrial activities, buildings and site improvements (a non-complying activity) - s9(3) of the RMA.
- (c) **Water permit:** For the discharge of construction and operational phase stormwater (roads to stormwater basin and global consent for 126 lots discharging stormwater to ground) (a non-complying activity) – s15 of the RMA.
- (d) **Water permit:** To take water for construction purposes (drain damming and diversion) (a discretionary activity) – s14 of the RMA.
- (e) **Land-use consent:** To undertake earthworks over an aquifer and within riparian margins (including vegetation clearance and to install a culvert in the bed of a drain (a restricted discretionary activity) – s9(2) of the RMA.
- (f) **Wildlife Permit:** To authorise the trapping and relocation of native lizards (should they be found at the site) – s53 of the Wildlife Act 1953.

- 33 On 15 August 2025 the Applicant provided additional information and amended plans, as described in a Memorandum from the Applicant (**Additional Information**).¹⁰ In brief, the changes include:

- retention of an open water race forming part of the Selwyn District Council's Paparua Water Race Network, which was initially proposed to be piped;
- revision of the location and sizing of the stormwater basins;
- addition of a lot providing for the relocation of lizards on the Site, to remain in private ownership, and a lizard management plan;
- an aviation safeguarding and airport compatibility assessment of the proposed development;¹¹ and
- amendments to conditions proposed, including additional limitations and building heights in proximity to Christchurch International Airport.

Resource consents

- 34 The Panel has reviewed all the documentation and the further information provided by

¹⁰ Memorandum for Carter Group Limited dated 15 August 2025.

¹¹ Appendix 5 – Airport Safeguarding Assessment prepared by L+R Airport Consulting.

the Applicant and the participants and confirms that the Application requires land use, subdivision, water take, water diversion and discharge consents under sections 9, 11, 14 and 15 of the RMA.

- 35 The Panel agrees with the Applicant that, in terms of the District Plan and the LWRP, overall the Application is a non-complying activity.¹² The Council and CRC agree with this assessment.
- 36 The District Plan rules and Regional Plan rules for which the application required consent on lodgement are set out in Appendix 19 of the AEE. We note CCC's advice that the non-compliances identified by the Applicant in relation to Rule 8.6.4, being the number of footpaths and road widths required within Industrial zones, do not technically apply as the roading proposed meets the standards for rural roads classified as local, including Ryans Road, Grays Road, and all internal roads proposed in the subdivision.¹³

Approval relating to a wildlife approval under the Wildlife Act 1953

- 37 The Application also seeks approval under section 53 of the Wildlife Act 1953 (**WA**) to disturb, catch and relocate native lizards. The approval has been sought on a precautionary basis in order to ensure that if any native lizards are discovered at the time of land development works, an authority exists for them to be relocated.
- 38 Section 27, clause 5 of WA sets out the criteria for consideration of an application for a wildlife approval namely, the purpose of the FTAA, the purpose of the WA and the effects of the project on the protected wildlife in question, and any specific information on requirements relating to the protected wildlife.

Procedure

- 39 The following matters of procedure are relevant for this decision.

Appointment, site visit and project overview briefing

- 40 The Panel was appointed on 29 July 2025 and undertook a site visit on 6 August 2025 with two representatives of the Applicant. The site visit included a walkover of the Site, including along the southern and eastern boundaries of the industrial block and identification of the proposed stormwater detention basins and access points into the site from Ryans Road and Grays Road. During the site visit the Panel identified the location of GCH to the northeast of the industrial block and various structures associated with airport communication, navigation and surveillance facilities located westward of this block.
- 41 The Panel also drove around the immediate Site surrounds, including along Ryans Road towards SH1, along Grays Road and George Bellew Road, and along Pound Road to the intersection with SH73.
- 42 Following the site visit an online project overview briefing conference occurred on 14 August 2025 with the Applicant, and a number of its specialist advisors, and statutory

¹² AEE at [130]. Note that clause 17 (B) of Schedule 5 of the FTAA excludes from consideration section 104D of the RMA with effect that one of the 'gateway' tests for non-complying activities does not have to be passed for the application to be considered for approval under section 104B of the RMA.

¹³ Comments by the Christchurch City Council, 19 June 2025, paragraph 19.

participants. The Panel found the briefing very helpful and is grateful to the Applicant and other participants that attended.

Section 18 Report

43 The Panel was provided with a detailed report under section 18 of the FTAA, prepared for the Panel Convener by the Ministry for the Environment (**MfE**) and dated 16 June 2025. The section 18 report provided the following information:

- identification of relevant iwi authorities, Treaty settlement entities and other Māori groups with interests in the Project area; and
- the relevant principles and provisions and relevant Treaty settlements and other arrangements.

44 The Section 18 Report made the following key points:

- (a) The relevant Māori groups identified under section 18(2) and to be invited to comment are Te Rūnanga o Ngāi Tahu; Te Ngāi Tūāhanga Rūnanga; Te Taumutu Rūnanga; Whitiara Centre Limited; and Mahatui Kurataao Limited.
- (b) The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998. No other obligations have been identified under section 18(2) as relevant to the project area.
- (c) In the Crown acknowledgement and apology, it recognises its failures to fulfil its Treaty obligations and commits to a new age of co-operation with Ngāi Tahu. MfE did not identify any other relevant principles and provisions of the Treaty settlement, or other obligations. Accordingly, MfE have not identified any documents that panel must give the same or equivalent effect to, or procedural requirements the panel must comply with, under section 82 and clause 5 of schedule 3 to the Act.

Wildlife Approval Report under section 51 FTAA

45 The Panel also received a wildlife approval report prepared for the Panel Convener by the Director-General of Conservation pursuant to section 51 of the FTAA dated 1 September 2025. This report provided information on the following matters:

- 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.
- Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).
- Any conditions that should be imposed to manage the effects of the activity on protected wildlife.

- Any conditions that recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Invitations to comment

46 The Panel invited comments on the Application in accordance with Minute 3. Responses to this invitation were due on 15 September 2025.

47 Comments were received on time from the following:

- (a) Christchurch City Council;
- (b) Canterbury Regional Council;
- (c) Minister for the South Island;
- (d) Minister for Regional Development;
- (e) Department of Conservation;
- (f) Whitiara Centre on behalf of Te Ngāi Tūāhuriri Rūnanga;
- (g) Mahaanui Kurataiao Limited on behalf of Te Ngāi Tūāhuriri Rūnanga;
- (h) New Zealand Transport Agency, Waka Kotahi (**NZTA**);
- (i) Orion New Zealand Limited;
- (j) Airways New Zealand;
- (k) Civil Aviation Authority;
- (l) Selwyn District Council; and
- (m) Three comments from individuals / owners and occupiers of land, who had been invited to comment by the Panel.

48 The Panel would like to thank all parties who commented for their contributions.

49 The broad topics raised in the comments included:

- Effects on land and surface water ecology, including effects on Herpetofauna (lizard fauna) values and effects on instream values associated with waterways on or bordering the Site;
- Management of earthworks effects including effects on any archaeological material disturbed on the Site and contaminated land effects;
- Effects on the safe and efficient operation of Christchurch Airport and potential risks to aviation safety;

- Effects on air safety and operation of the heliport operated by GCH, including the flight path of helicopters using the heliport;
- Effects on the safety, regularity and resilience of aviation services provided by Airways to the Christchurch Airport;
- Effects on groundwater;
- Economic effects and industrial land demand;
- Effects on land productivity capacity;
- Effects on infrastructure and servicing;
- Transport effects on Ryans Road and Grays Road and the surrounding road network including state highway intersections in the vicinity of the Site;
- Effects on rural character and visual amenity effects; and
- Effects on use and enjoyment, and possible future development of, land owned by adjacent landowners.

50 Minute 3 also attached a list of questions to which the Panel sought answers from various persons that had been asked to provide comment as part of their comments on the Application. These questions should be regarded as requests for further information pursuant to section 67 FTAA.

Applicant's response to invited persons comments

51 On 28 November 2025 the Applicant provided a substantial response to the comments received on the Application from those persons who were invited to comment under Section 53 of the FTAA (**Applicant Response**). This included the following:

- (a) Memorandum of Counsel:
- (b) Appendix 1: Clare Dale, Novo Group, Planning Memo Response (Transport, Three Water Infrastructure, Water Quality, Bird Strike, Ecology (freshwater and vegetation), Herpetology, Landscape and Visual Amenity and CCC/DOC/CRC conditions).
- (c) Appendix 2: Jeremy Phillips, Novo Group, Planning Memo Response (Aviation Safety, NPS-UD, NPA-HPL and Economic Benefits).
- (d) Appendix 3: Applicant proposed CCC (Land use and Subdivision) and DOC (Wildlife Approval) Conditions.
- (e) Appendix 4: Applicant proposed CRC Conditions (and email from CRC agreeing conditions).
- (f) Appendix 5: Capture Land Development and DCM Urban, Updated Plan Set for Approval.
- (g) Appendix 6: Tom Lemon, Capture Land Development, Civil Engineering Memo.

- (h) Appendix 7: Nick Fuller, Novo Group, Transport Memo Response.
- (i) Appendix 8: Tom Lemon, Capture Land Development, Construction Management Plan.
- (j) Appendix 9: Eoghan O'Neill, PDP, Stormwater Memo Response.
- (k) Appendix 10: Tom Garden, PDP, Water Quality Response Memo.
- (l) Appendix 11: Lizzie Civil, PDP, Bird Strike Memo Response.
- (m) Appendix 12: Lizzie Civil, PDP Draft Wildlife Hazard Management Plan.
- (n) Appendix 13: Jarred Arthur, PDP, Ecology Memo Response.
- (o) Appendix 14: Lachie Davidge, PDP, Lizard Management Plan.
- (p) Appendix 15: Hannah Bruere, DCM, Landscape and Visual Response Memo.
- (q) Appendix 16: Hannah Bruere, DCM, Landscape and Visual Graphic Supplement.
- (r) Appendix 17: L+R Airport Consulting, Christchurch International Airport Safeguarding Assessment.
- (s) Appendix 18: Cyrrus Limited, Technical Safeguarding Assessment of Air Navigation Equipment, Ryans Road Industrial Development, Christchurch.
- (t) Appendix 19: Navigatus Limited, Ryans Road Industrial Development Aviation Safeguarding Assessment.
- (u) Appendix 20: Market Economics Limited, Reply to CCC Comments on Economic Matters.

52 Following Minute 3, the Panel issued the following Minutes and received the following responses from the Applicant and other parties:

- (a) Minute 4 dated 25 September 2025 regarding suspension of the Application to ensure that the Applicant has sufficient time to respond to the comments provided by invited parties;
- (b) Minute 5 dated 1 December 2025 regarding resumption of processing of the Application following receipt of the Applicants' response to comments (discussed above);
- (c) Minute 6 dated 10 December 2025 requesting further information by 18 December 2025 from Airways, CIAL, NZTA, the City Council and the Regional Council under section 67 of the FTAA;
- (d) In response, on 18 December 2025 CIAL filed a memorandum attaching an aviation safety submission prepared by GCH regarding the effects of the proposal on the GCH heliport. On the same date Airways filed a statement responding to the Applicant's response to comments. Both CIAL and Airways explained that (among other matters) it was not possible for them to provide the information

requested by Minute 6 within the timeframe requested by the Panel. Both parties raised significant concerns regarding the adequacy of consultation by the Applicant and the sufficiency of the Applicant's safeguarding assessment.

- (e) Minute 7 dated 22 December 2025 regarding the documents filed by Airways and CIAL (including GCH) in response to Minute 6. The Minute requests that the Applicant consider how it would like the Panel to proceed with the Application in light of the timeframe in which the Panel is required to issue its decision (at this time the decision was due by Wednesday 18 March 2026¹⁴), and requests that Airways and CIAL (inclusive of GCH) reply to the Applicant's response.
- (f) By memorandum dated 19 January, the Applicant proposed a two-week timetable for technical discussions between CIAL and Airways, and the Applicant's technical experts, focused on aviation safety matters and airport safeguarding assessments provided by the Applicant.
- (g) Minute 8 dated 23 January 2026 requests further information regarding national direction instruments approved by the Governor General on 15 December from the Applicant, CCC, CRC, Airways and CIAL.
- (h) On 26 January 2026 the Panel received separate memoranda from CIAL and Airways which objected to the approach proposed by the Applicant's 19 January memorandum because, among other matters, it was not possible for these parties to meaningfully engage in technical discussions at this late stage of the process in the absence of an adequate evidential basis on aviation safety risks.
- (i) On 30 January 2026 the Applicant responded to the above memoranda by accepting that the technical discussions proposed by the Applicant will not occur and proposing that the Applicant file a complete final package of conditions (the **CGL Package**), expert commentary on such conditions and legal submissions. To enable this work to be completed the Applicant requested that processing of the Applicant be suspended until approximately 16 February 2026. By correspondence to the EPA the Applicant amended the requested suspension date to 23 February 2026.¹⁵
- (j) Minute 9 dated 7 February 2026 summarised the responses received to Minute 7, granted the Applicant's request for a further suspension until 23 February 2026, and recorded the appointment of a special advisor to provide legal advice to assist the Panel. Minute 9 also requested advice from the legal advisor, the Applicant, CIAL and Airways regarding the so-called precautionary principle, and requested the Applicant file the CGL Package by 23 February 2026.
- (k) Minute 10 clarifies and extends the date for filing the advice requested by Minute 8.

¹⁴ Section 66(6) FTAA limited the total number of working days during which processing is suspended to 50 days. Most of the available 50 days has already been used by the Applicant compiling the Applicant's response to invited persons comments. Section 66(6) FTAA was amended on 17 December 2025 by section 36(2) of the Fast-track Approvals Amendment Act 2025 to increase the total number of working days during which processing can be suspended from 50 days to 100 days.

¹⁵ Minute 9 at [15(b)].

- (l) Between 3-16 February 2026 the Panel received the further information requested by Minute 8 regarding national direction instruments from the Applicant, CCC, CRC, Airways and CIAL.
- (m) On 23 February 2026 the Panel received advice from the legal advisor, and further information from the Applicant, CIAL and Airways regarding the precautionary principle.
- (n) Also on 23 February 2026 the Panel received the CGL Package which included the following material:
 - (i) Lengthy legal submissions from the Applicant;
 - (ii) Statement of evidence of Andrew Shelley;
 - (iii) Supplementary evidence of Geraint Bermingham (Navigatus);
 - (iv) Supplementary evidence of Simon McPherson (Cyrrus);
 - (v) Supplementary evidence of Benjamin Hargreaves (H+R Airport Consulting);
 - (vi) Memorandum from Lizzie Civil regarding bird strike hazards responding to the further CIAL commentary in response to Minute 6;
 - (vii) Memorandum from Nick Fuller responding to the further transport commentary from CCC and CIAL in response to Minute 6; and
 - (viii) Supplementary evidence of Jeremy Phillips (planning) including final suite of consent conditions proposed by the Applicant.
- (o) On 2 March the Panel received a joint memorandum from Airways and CIAL regarding the CGL Package filed by the Applicant seeking an urgent procedural conference.
- (p) Minute 10 summarises the reasons why Airways and CIAL consider that an urgent procedural conference is required, and records that the Panel is agreeable to such a conference. The Minute records that the purpose of the conference is to discuss next steps including whether Airways and CIAL should be afforded an opportunity to respond in writing to the CGL Package.
- (q) On 4 March the Panel held an online conference with the Applicant, Airways and CIAL.
- (r) Minute 11 dated 4 March records that taking into account the matters discussed at the conference, the Panel is minded to accept further information from both the Applicant and Airways and CIAL.¹⁶ The Minute records that:
 - (i) The difficulty for the Panel is that as matters currently stand, there is inadequate time available to accommodate receipt of the information

¹⁶ See Minute 11 at [14](a)-(c) for details.

because the Panel needs to issue a draft decision by 16 March at the latest and a final decision by 8 April.

- (ii) The Panel considers that a suspension of 3 weeks would be sufficient to enable the above material to be filed and considered by the Panel.
- (iii) The Applicant has indicated it will urgently consider whether it is willing and able to request a suspension.
- (iv) Accordingly, the Panel directs that the Applicant is to advise the Panel as soon as possible and by no later than 3 pm Thursday, 5 March whether it is willing to request a further suspension of the Application.
- (s) Minute 12 dated 5 March extends the timeframe for a response from the Applicant to 10 am Friday 6 March.
- (t) On 6 March Counsel for the Applicant advised the EPA that it did not have instructions to suspend processing of the Application. The Applicant also provided the EPA with a statement prepared by Mr McPherson of Cynus dated 5 March 2026.
- (u) Minute 13 dated 6 March 2026 addresses the following matters:
 - (i) The Applicant's response to Minutes 11 and 12;
 - (ii) The Panel's request for further information from the Applicant regarding a revised set of conditions to form part of the CGL Package;
 - (iii) The Panel's request for further information from CIAL and Airways in response to the CGL Package;
 - (iv) The Panel's decision on whether to afford the Applicant an opportunity to reply; and
 - (v) The Panel's request for further information from the Applicant, Airways and CIAL regarding air safety issues relating to the heliport and air safety issues regarding the CNS facilities.
 - (vi) The Panel also requested further advice from the legal advisor regarding interpretation and application of policy 10 and policy 11 of the National Policy Statement for Infrastructure.
- (v) On 9 March 2026 the Applicant filed legal submissions regarding matters arising from the conference and a statement of evidence from Mr Phillips that included a revised suite of conditions that included new and amended conditions addressing potential adverse aviation effects of the proposal. Also on 9 March the Panel received advice requested in Minute 13 from Ms Hamm, legal advisor to the Panel.
- (w) On 12 March 2026 the Applicant, CIAL and Airways each filed a response to Minute 13.
- (x) On 13 March the Applicant requested a further suspension of the Application to respond to the material filed by CIAL and Airways.

- (y) Minute 14 dated 13 March 2026 suspended the Application to allow the Applicant an opportunity to file further information in reply to the material filed by CIAL and Airways.
- (z) Minute 15 dated 17 March 2026 responds to a memorandum filed by CIAL dated 16 March 2026 and refines the terms of the suspension.
- (aa) On 18 March 2026 the Panel received the Applicant's further information in reply to the material filed by CIAL and Airways on 12 March 2026.¹⁷
- (bb) On 26 March 2026 the Panel issued its draft decision to approve the Application together with a suite of draft consent conditions.
- (cc) Minute 16, also dated 26 March 2026, directs the EPA to invite comments on the draft conditions from specified persons and comments on the draft decision and draft conditions from specified Ministers under s72 FTAA.
- (dd) Comments on the draft consent conditions were received from DOC, CIAL, Airways, CCC, CRC, NZTA and TWT Holdings Ltd on or before 2 April 2026 (**Comments**).
- (ee) The Applicant provided an initial response to Minute 16 and the draft conditions on 2 April 2026.
- (ff) On 10 April 2026 the Applicant requested a further suspension of the Application to allow the Applicant to seek input from its technical experts on the Comments.
- (gg) Minute 17 dated 13 April suspended the Application to allow the Applicant an opportunity to respond to the Comments.
- (hh) Also on 13 April 2026 the panel received correspondence from the Honourable Tama Potaka, Minister for Crown Relations: Te Arawhiti and the Minister for Māori Development in response to the above-mentioned invitation to comment on the draft decision and draft conditions.
- (ii) On 15 April 2026 the Applicant advised it was still conferring with its technical experts and would provide a further update on 17 April 2026.
- (jj) On 20 April 2026 the Applicant filed its s70(4) response to Comments.
- (kk) Minute 18 dated 30 April 2026 directed that processing of the Application resume following receipt of the Applicants s70(4) response.
- (ll) Minute 19 also dated 30 April 2026 requested further information pursuant to s67 FTAA regarding the Applicant's section 70(4) response from Airways, CIAL, CCC and the Applicant.

¹⁷ Including a memorandum of Counsel for the Applicant and six supplementary statements of evidence for the Applicant.

(mm) On 4 May 2026 the panel received responses to Minute 19 from Airways, CIAL, CCC and the Applicant.

- 53 The Panel notes that this is a reasonably significant number of procedural Minutes which demonstrates the issues with this Application and the need for clarification on a number of important points within the challenging timeframes of the FTAA.
- 54 Given the significant material contained in the Applicant's responses, particularly regarding air safety issues, the Panel refers to the detail of these comments and the various responses, including the further information requested and the Applicant's response to the information, in its assessment which is contained in other sections of this decision, namely Parts E, F, G and H.

Appointment of special advisor

- 55 As mentioned, on 2 February 2026 the Panel appointed Vanessa Hamm, partner at Holland Beckett, as a special advisor to provide the Panel with legal advice.¹⁸ This appointment was made under clause 10(2) of Schedule 3 of the FTAA.
- 56 The Panel initially requested legal advice from Ms Hamm regarding the precautionary principle and later requested advice regarding interpretation and application of policy 10 and policy 11 of the National Policy Statement for Infrastructure.¹⁹

Further information

- 57 The further information and reports and answers provided by the participants, including the Applicant, pursuant to s67 FTAA, s18 and s51 of the FTAA is detailed above.

Conditions

- 58 The Application included a set of draft conditions which was subsequently amended by the Applicant when it filed additional information and amendments to the Application on 15 August 2025. The condition set was further amended in response to comments. The Council and CRC, in their respective capacities as a regulatory authority, provided detailed feedback and a set of amended draft conditions with their formal comments as an invited comment.
- 59 The following commentors commented on the amended draft conditions provided by the Applicant:
- (a) The Department of Conservation filed a report under s51(2) FTAA on the wildlife approval sought by the Applicant that included comments on conditions at Appendix A. The Department also provided comment on the CRC water permit sought;
 - (b) Te Taumutu Rūnanga commented on consent conditions and advice notes (including a proposed Accidental Discovery Protocol at Appendix A);

¹⁸ This appointment is recorded in Minute 9 at [19].

¹⁹ See Minute 9 and Minute 13 for further details of the advice requested.

- (c) Whitiara Centre on behalf of Te Ngāi Tūāhuriri Rūnanga commented that it expects that the land development will be undertaken in accordance with best practice and that this will be enforced through conditions of consent addressing various matters specified in their comments (which generally align with the Applicant's proposed conditions);
 - (d) Airways provided comments on conditions of consent (at section 5.2);
 - (e) CRC's comments included CRC's proposed conditions (at Appendix 5);
 - (f) CIAL's comments included CIAL's proposed amendments to conditions (at Appendix A);
 - (g) CCC provided a fulsome response to the proposal including 14 technical assessments and a suite of recommended amendments to conditions (at Appendix 16);
 - (h) NZTA's comments did not include specific comments on conditions.
- 60 The Applicant's response to comments included the following documents in response to comments on proposed conditions:
- (a) Appendix 3 contains an updated suite of conditions regarding CCC consents and the DOC wildlife approval and identifies areas of remaining disagreement.
 - (b) Appendix 4 contains an updated suite of conditions regarding CRC consents and records that all conditions are agreed with CRC. This is confirmed by an email from CRC dated 24 November 2025 included in Appendix 4.
- 61 Minute 6 requested further information from Airways, CIAL, NZTA, CCC and CRC regarding various matters including comments on the updated suite of conditions provided by the Applicant. The Panel received the following responses relating to consent conditions on 18 December 2025:
- (a) Airways declined to comment on the updated conditions in the absence of further air safety analysis being completed by the Applicant (at Section 3.6);
 - (b) CIAL declined to comment on the updated conditions on the basis that CIAL cannot responsibly do so in the absence of a comprehensive aeronautical study. CIAL considered that to engage with conditions in the absence of an adequate evidential foundation would risk proceeding on untested assumptions the relevant safety issues are:
 - (i) known and fully characterised;
 - (ii) capable of reliable quantification; and
 - (iii) able to be appropriately managed through conditions of consent.
 - (c) NZTA suggested new transportation conditions 1-8 together with an explanation regarding each condition.

- (d) On 23 February 2026 the Applicant filed the package of documents we refer to as the CGL Package. Mr Phillips supplementary statement of planning evidence (at Appendix 1) provided an updated suite of conditions that among other matters included new land use consent conditions 21A, 21B and 21C regarding air-safety.

62 In summary to this point, regarding the CGL Package of consent conditions:

- (a) The CRC consent conditions are agreed between the Applicant and CRC;
- (b) The CCC land use consent and subdivision consent conditions are largely agreed as between CCC and NZTA except for a relatively small number of matters where there remains dispute between the Applicant and CCC and NZTA. None of these matters would prevent the grant of consent; and
- (c) The DOC wildlife approval conditions are largely agreed between the Applicant and DOC.

63 It is important to note here that Airways and CIAL were recommending that the approvals be declined so this is not a situation where the Panel has a comprehensive and agreed set of conditions insofar as they relate to effects on the safe and efficient operation of Christchurch Airport and potential risks to aviation safety.

64 As mentioned, on 9 March 2026 the Applicant filed a revised suite of conditions that included new and amended conditions addressing potential adverse aviation effects of the proposal.

65 In accordance with section 70 FTAA the Panel reviewed and amended these conditions and provided draft conditions to the Applicant and persons invited to comment on 26 March 2026, requiring responses by 1 April 2026. The Panel received responses on the draft conditions from DOC, CIAL, Airways, CCC, CRC, NZTA, TWT Holdings Ltd and the Applicant.

66 The Panel has considered all comments received on the draft conditions as is required under section 71 FTAA and amended the conditions where appropriate. The Panel has addressed these comments throughout this decision report and in particular in Part E: Evaluation of Effects (Air Safety section and Transportation section) and Part K: Conditions below.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

67 Under section 72 FTAA the Panel invited comment from the Minister for Māori Crown Relations: Te Arawhiti and Māori Development on 13 April 2026. The Minister commented in support of the decision of the Expert Panel and the conditions subject to that decision.

Hearing

68 The Panel has exercised its discretion not to require a hearing on any issue under section 56 FTAA. The Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Council and invited persons. The

material issues involved were comprehensively addressed in the documentation provided thereby either resolving any technical expert differences of opinion or making it clear what differences remained outstanding. Residual issues were sufficiently clear for the Panel to consider.

- 69 The Panel considers that sufficient information was presented, in combination with the final conditions provided by CGL and further modifications that we have made, to appropriately understand and manage potential effects of the proposal to a level that is acceptable to the various receiving environments and activities that could be impacted by the proposal. This approach includes post consenting certification of various management plans, and further technical assessment and certification of some activities with clear outcomes set that frame the scope of effect that could occur in each case. Importantly, such conditions do not defer delegation of complex technical certification to Council officers. They incorporate engagement by technical specialists and specified parties, and include technical dispute resolution processes to be implemented if necessary.
- 70 The Panel is mindful of the emphasis on time limited decision-making in the present process, the purpose of the FTAA in section 3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.
- 71 It is for these reasons that the Panel has exercised its powers:
- (a) Under section 67 to request further information on several occasions as noted above and in Part E;
 - (b) To request that the Applicant, Airways and CIAL consider how they would like the Panel to proceed with the Application in light of the objections raised by Airways and CIAL; and
 - (c) To hold a procedural conference with the Applicant, Airways and CIAL on 4 March 2026; and
 - (d) To issue various directions seeking further information from these parties and further legal advice shortly after the conference.
- 72 It is the Panel's view that a hearing would not have furthered its understanding of the issues or allowed for a resolution of those issues. The Panel did not consider it necessary to test the evidence via a traditional hearing approach, given the varied approach that the parties have taken to matters of aircraft safety and operational efficiency of the airport.

Meetings and Panel deliberations

- 73 Much of the Panel's correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions. Notwithstanding this, the Panel met

(via MS Teams) on multiple occasions to either discuss the Application generally or for specific topics, or for the purpose of discussing minutes that needed issuing.²⁰

Timing of the Panel decision

- 74 In accordance with the panel convenor minute dated 29 July 2025 the time frame for the panel to issue its decision documents under sections 79 and 88 is 8 April 2026, subject to the processing of the application being suspended for any of the reasons outlined in Section 60 of the Act.
- 75 On 23 September 2025, the Panel, following a request from the Applicant pursuant to Section 64(1) of the Act, suspended the Application.²¹
- 76 On 2 February 2026, the Panel, following a further request from the Applicant pursuant to Section 64(1) of the Act, suspended the Application.²²
- 77 On 13 March 2026, the Panel, following a further request from the Applicant pursuant to Section 64(1) of the Act, suspended the Application until five working days after the Applicant filed its response in reply to evidence and submissions filed by Airways and CIAL on 12 March 2026.²³
- 78 On 13 April 2026, the Panel, following a further request from the Applicant pursuant to Section 64(1) of the Act, suspended the Application to allow the Applicant opportunity to seek input from its technical advisors before filing its section 70(4) response to Comments.²⁴
- 79 Taking into account the four suspensions, which total 83 days, the due date for the Panel's decision is 7 May 2026.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

- 80 In accordance with section 42 an authorised person²⁵ for a listed project may lodge a substantive application with the EPA. The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive application on 23 April 2025.
- 81 The EPA decided that the Application was complete and within scope²⁶ on 15 May 2025. The EPA made a decision on whether there are competing applications or existing resource consents for the same activity on 28 May 2025.²⁷ The EPA then provided the Application to the panel convenor and at the same time requested a report from the

²⁰ The Panel met (via MS Teams) on the following occasions – In 2025: 9 June, 27 June, 30 July, 31 July, 6 August, 8 August, 12 August, 13 August, 14 August, 15 August, 27 August, 26 September, 10 November, 4 December, 12 December, 19 December. In 2026: 20 January, 21 January, 23 January, 29 January, 30 January, 24 February, 27 February, 2 March, 6 March, 10 March, 13 March, 19 March, 20 March, 24 March, 7 April, 14 April, 24 April, 29 April, 30 April, 1 May, 4 May and 5 May.

²¹ This suspension ceased on 28 November 2025 with the total suspension period being 48 days.

²² This suspension ceased on 23 February 2026 with the total suspension period being 15 days.

²³ This suspension ceased on 25 March 2026 with the total suspension period being 8 days.

²⁴ This suspension ceased on 29 April 2026 with the total suspension period being 12 days

²⁵ FTAA, sections 4 and 42.

²⁶ FTAA, section 43.

²⁷ FTAA, section 47.

Ministry responsible agency²⁸ under section 18 FTAA on 4 June 2025. A report was received on 16 June 2025.

Purpose of the FTAA

82 Section 3 of the FTAA states:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

83 In the *Taranaki VTM Project* (FTAA-2025-104) (**Taranaki**),²⁹ the expert panel consider the meaning of “facilitate” as follows (footnotes excluded):

The Panel considers that ‘facilitate’ has a partly substantive meaning, as described by the applicant; i.e. that “the process by which [a project] might be approved is an easier process, and one that makes the granting of approval more likely” than under (in this case) the EEZ Act. That is supported by the text: the common meaning of the word ‘facilitate’ is to make something possible or easier; and the scheme of the Act: the purpose of the Act must be given the most weight, and approvals must be granted unless specific grounds for decline are made out.

84 The *Taranaki* panel also noted the High Court’s observation in *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2453 that:

[66] In enacting the FTA, Parliament made a deliberate decision to de-emphasise factors which might militate against approval. For example, the Cabinet minute which approved the inclusion of the 149 listed projects noted it was the Government’s intention to establish a consenting and permitting process that “makes it substantially easier for projects to be approved than the status quo, with a high bar needing to be reached for a panel to decline a project”. ...

Section 10 procedural principles

85 Section 10 of the FTAA states that every person performing functions and duties and exercising powers under this Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised. The Panel has been mindful of that obligation throughout its consideration of the application.

Section 81 - Decisions on approvals

86 Section 81 of the FTAA, together with the FTAA schedules cross-referenced in that section, provide the Panel with a clear pathway to making its decision. That section provides, relevantly:

81 Decisions on approvals sought in substantive application

(1) A panel must, for each approval sought in a substantive application, decide whether to—

- (a) grant the approval and set any conditions to be imposed on the approval; or
- (b) decline the approval.

(2) For the purpose of making the decision, the panel—

²⁸ The Ministry for the Environment is the responsible agency for section 18.

²⁹ Expert panel draft decision to decline the Taranaki VTM Project (FTAA-2025-104).

- (a) *must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:*
- (b) *must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):*
- (c) *must comply with section 82, if applicable:*
- (d) *must comply with section 83 in setting conditions:*
- (e) *may impose conditions under section 84:*
- (f) *may decline the approval only in accordance with section 85.*

(3) *For the purposes of subsection (2)(b), the clauses are as follows:*

- (a) *for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:*

...

- (i) *for an approval described in section 42(4)(h) (wildlife approval), clause 5 and 6 of Schedule 7:*

...

(4) *When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.*

...

87 Section 81(2) directs the Panel to the matters that we must consider, apply and comply with, and what we may impose. It also notes the application of section 85, discussed further below.

88 Because the application is for resource consents and a wildlife approval, the "applicable clause" for the purpose of s 81(2)(b) is subsection (3)(a), which directs the panel to clauses 17 to 22 of Schedule 5 (for resource consents), and subsection (3)(i), which directs the panel to 5 and 6 of Schedule 7 (for a wildlife approval).

89 The relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the consent application process that applies rather than the standard RMA consent application process.

90 Clause 17 imports relevant parts of the RMA and directs how they are to be weighed in relation to the purpose of the FTAA. Clause 18 imports relevant provisions of the RMA that relate to resource consent conditions.³⁰

Clause 17 of Schedule 5

91 Clause 17 is headed *Criteria and other matters for assessment of consent application*. For completeness, we set out clause 17 in full:

17 Criteria and other matters for assessment of consent application

- (1) *For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),*

³⁰ Clauses 19-22 of Schedule 5 relate to resource consents regarding freshwater fisheries activity, aquaculture decisions, conditions on coastal permits and decisions on coastal permits. These matters are not relevant to the Ryans Road Project.

- (a) *the purpose of this Act; and*
 - (b) *the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*
 - (c) *the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.*
- (2) *For the purpose of applying any provisions in subclause (1),—*
- (a) *a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and*
 - (b) *if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and*
 - (c) *to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Māna Whakahoā ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.*
- (3) *Subclause (4) applies to any provision of the Resource Management Act 1991 (including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.*
- (4) *For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.*
- (5) *In the case of an application for a coastal permit for aquaculture activities, if the panel makes a reservation under clause 20 in relation to recreational fishing or customary fishing or commercial fishing in relation to stocks or species not subject to the quota management system, the panel must not grant the coastal permit in respect of the areas covered by the reservation.*
- (6) *For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.*
- (7) *Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.*

92 In *Taranaki*, the panel discussed the meaning of “to take into account” and the application of this phrase in the context of the FTAA as follows:

A direction to “take into account” identified matters requires a decision-maker to give genuine attention to each of the identified matters, weigh them, and give each matter appropriate weight given the circumstances. While normally weight is a matter for the decision-maker, under the FTAA the weighting exercise is influenced by the statutory direction that “the greatest weight” is to be given to the purpose of the FTAA. The balancing exercise is not an even one. One of the ways in which the FTAA implements this statutory weighting is through the limited bases for declining an application in s 85.

93 The Panel has taken the approach discussed in *Taranaki*. We have assessed the matters in cl 17(1)(a) to (c) on their own terms, before standing back and ensuring that in taking those matters into account, it has given the greatest weight to the purpose of the FTAA. The Panel records its understanding that the RMA considerations are matters to factor into its decision under the FTAA and that the RMA considerations do not themselves determine whether consent is granted or declined.

Clause 17(1)(a) – Schedule 5 FTAA

- 94 Under clause 17 the Panel must take into account the matters listed at clause 17(1)(a)-(c) giving greatest weight to the paragraph (a) which is “the purpose of this Act [FTAA]”. As mentioned, the purpose of the FTAA “as to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.” When taking the purpose of the Act into account under clause 17 the panel “must consider the extent of the projects regional or national benefits”.³¹
- 95 The term “significant” is not defined in the FTAA however the panel that determined the *Maitahi Village*³² substantive application looked to the ordinary meaning of ‘significant’ and on that basis used the meaning “sufficiently great or important to be worthy of attention; noteworthy”.
- 96 The panel in the *Taranaki* decision discussed the meaning of the term “benefit” and how benefits should be assessed under the FTAA as follows (footnotes excluded).³³

The term ‘benefit’ is also not defined. Its ordinary meaning is ‘advantage’. Other panels have referred to s 22 FTAA as providing useful guidance for what constitutes a benefit. It appears to have been Parliament’s intention that s 22 would be used for this purpose, despite this not being stated in the FTAA. Commentary in the Select Committee Final Report on the FTAA states that the matters listed in cl 17(3) (now s 22(2)) “list the matters that would help guide applicants as to what may be considered when the significance of a project’s benefits is assessed” (although the Select Committee Report is clear that ‘benefit’ was intentionally left undefined).

The assessment of the extent of the TIRL project’s benefits, and whether they are significant, is a factual question based on evidence and informed by judgement. That factual assessment is undertaken against a regional or national reference point which asks whether the benefits are significant to the region or to New Zealand. Determining if this threshold is met is context-dependent: what constitutes a significant benefit may differ from one region to the next.

Despite the project being listed in the FTAA, the Panel needs to reach its own conclusion on whether the project has significant benefits, and their extent.

- 97 The Panel in *Taranaki* also addressed how ‘benefits’ should be interpreted under the FTAA when considering the extent of the projects regional or national benefits and the purpose of the FTAA, including whether a gross benefit approach is required, whether disbenefits or other costs are relevant, and whether a net benefit or cost-benefit approach is required. After discussing relevant case law and the other panel decisions, the panel in *Taranaki* concluded that:

Taking all those matters into account, the Panel’s approach to benefits has involved three steps. It was:

- a. first assessed the extent to which any regional or national benefits are established, and the extent to which there may be comparable disbenefits by assessing the veracity of the information provided about each;*
- b. second, discounted any comparable established disbenefits from any established benefits; and*

³¹ Section 81(4) FTAA.

³² *Maitahi Village Project* [FTAA-2502-1009] (September 2025) at [516].

³³ *Taranaki* at [82].

- c. *third, for the purpose of s 85(3) FTAA, considered whether any adverse impacts (that have not already been accounted for as disbenefits) are sufficiently significant to be out of proportion to the extent of the project's regional or national benefits.*

98 We have adopted the same approach in our assessment of benefits of the proposal.

Clause 17(1)(b) – Schedule 5 FTAA

99 Schedule 17(1)(b) sets out the RMA provisions that the Panel must take into account when considering a consent application as follows:

- (b) *the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act);*

100 The Parts of the RMA referred to in Schedule 17(1)(b) are as follows:

- (a) Part 2 - Purpose and principles (sections 5-8);
- (b) Part 3 - Duties and restrictions under this Act [RMA] (sections 9-23);
- (c) Part 6 – Resource consents (sections 87AA – 139F);
- (d) Part 8 – Designations and heritage orders (sections 166-198M); and
- (e) Part 10 – Subdivision and reclamation (sections 218-246).

101 Part 6, and particularly section 104 RMA, is the most relevant Part of the RMA for the Panel to consider in the context of the Evans Road Application. We have also considered each of the other Parts of the RMA referred to in Schedule 17(1)(b), to the extent that they are relevant to determination of the Application.

Section 104 RMA

102 Section 104 RMA, which is headed *Consideration of applications*, says (relevantly):

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ia) *a wastewater environmental performance standard;*
 - (ib) *a stormwater environmental performance standard;*
 - (ic) *an infrastructure design solution;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*

- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- ...
- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- ...
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.*

Section 104(1)(a) – actual and potential effects on the environment

- 103 For the purposes of the assessment under section 85 which is covered below in this Part of this decision, the term is impact. For the purposes of the assessment under clause 5(4) of Schedule 5 of the FTAA and section 104(1)(a) RMA referred to in clause 17 of Schedule 5, the term is effects. The Panel considers that the term 'impact' is equivalent to the term 'effect' used in the context of Schedule 5 and we use them interchangeably in this decision.
- 104 The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part H: Planning Framework. Noting the FTAA is clear that the Panel's effects assessment must not be solely on the basis that the adverse impact is inconsistent with or contrary to a provision in a specified Act (notably the RMA in this case) or any other document (such as NPSs). The Panel's assessment of effects / impacts is grounded in the factual and opinion evidence before it.

Precautionary principle

- 105 Minute 9 directed that the Applicant, Airways, CIAL and legal advisor to the Panel, Ms Vanessa Hamlin (**legal advisor**) provide advice to the Panel regarding the precautionary principle. We are grateful for the responses received and record that we have considered them carefully.
- 106 Case law often both conflates and distinguishes the 'precautionary principle' and the 'precautionary approach', with the term being used interchangeably at times. The Courts have acknowledged that the precautionary approach as it applies in the RMA has evolved from the precautionary principle as established in the 1992 Rio Declaration. For the purpose of this decision, we have focused on the precautionary approach as it is generally applied in the RMA and considered its specific applicability to the FTAA.
- 107 Civil aviation hazards have been held to be relevant effects under the RMA to the extent that they relate to human safety. The Court has recognised the importance of human

safety in the purpose of the RMA in cases involving potential civil aviation hazard effects and have held that these effects must be considered.³⁴

- 108 The Supreme Court in *Environmental Defence Society v New Zealand King Salmon Company Ltd*³⁵ summarised the principles of the precautionary approach as it applied to deciding resource consent applications as distilled by the Environment Court in *Sea-Tow Ltd v Auckland Regional Council*:³⁶

- (a) *A careful balanced judgement is required; in some cases that may only be achieved by adopting a precautionary approach;*
- (b) *The precautionary approach may be applied to influence the exercise of a discretion to the extent consistent with the purpose of the RMA;*
- (c) *Even if there is a dispute of material fact, that does not necessarily mean that the precautionary approach must be adopted: rather, the obligation is to consider the evidence; and*
- (d) *A precautionary approach should only be applied where there is scientific uncertainty or ignorance about the scope or nature of the relevant environmental harm; there needs to be a plausible basis, not just a suspicion or innuendo, for adopting the precautionary approach.*

- 109 Ms Hamm also advises that an Expert Panel has a discretion to apply a precautionary approach to an approval sought under the FTAA. Section 81 FTAA imports s 104 RMA into the FTAA as matter that an Expert Panel must consider for an approval under the FTAA. There are no modifications to those sections that are relevant to the precautionary approach.

- 110 Further, there is also nothing in the FTAA that precludes the application of a precautionary approach. We consider the case law principles decided under the RMA set out above can apply to a resource consent application under the FTAA, but note that they must be applied within the specific statutory framework of the FTAA, which we discuss below. We note the Expert Panel in *Waihi North*, which was decided under the FTAA, adopted a precautionary approach in imposing conditions to manage the effects on indigenous biodiversity.³⁷

- 111 We have been particularly assisted by Ms Hamm's summary which is set out below:³⁸

In meeting its obligations under s 81 FTAA, the Expert Panel will need to consider the application under cl 17 Sch 5 FTAA, which requires it to apply Part 6 of the RMA and consequently s 104 RMA. As part of considering the actual and potential effects on the environment under s 104(1)(a) RMA, the Expert Panel will need to consider the nature of the effect at issue and the evidence regarding those effects to determine whether a precautionary approach is warranted.

The Expert Panel will also need to consider whether there is any policy or plan direction requiring a precautionary approach. We note that in the absence of a direct obligation, the Expert Panel

³⁴ *Rotorua Regional Airport Ltd v Fischer* ENC A113/09 at [79], citing *Glentanner Park (Mount Cook) Limited Anor v Mackenzie District Council* W50/1994. Refer also *Aviation Activities Ltd v Mackenzie District Council* ENC C72/2000 at [13] and [27].

³⁵ *Environmental Defence Society v New Zealand King Salmon Company Ltd* [2013] NZHC 1992 at [74].

³⁶ *Sea-Tow Ltd v Auckland Regional Council* EnvC A066/06 at [462].

³⁷ *Waihi North Project* [FTAA 2504-1046] 18 December 2025 at [32], [36], [64], [297]. We note that the New Zealand Policy Statement of Indigenous Biodiversity 2023 was in play, and Policy 3 directed a precautionary approach when considering adverse effects on indigenous biodiversity.

³⁸ Memorandum of Venassa Hamm dated 23 February 2026 at [28] – [34].

ultimately has a discretion whether to apply a precautionary approach, and to decide the weight to be given to a precautionary approach.

If the Expert Panel considered a precautionary approach was necessary, it would follow the same principles to that approach as set out above (but for the question of decline, which we discuss further below). The Expert Panel would consider:

- (a) The evidential basis as to the nature of the effect, including whether the effect is within the level of effect contemplated in the RMA;³⁹*
- (b) The extent of environmental risk (which can include the risk to human health and safety based on the definition of 'environment');*
- (c) The degree of uncertainty and risk as to whether that effect will occur, noting that the precautionary principle should not be applied where the risk is insignificant and the issues are evenly balanced. It may be applied where there is a need to prevent serious or irreversible harm to the environment in situations of scientific uncertainty; and*
- (d) The appropriateness of conditions to manage that effect (which can be imposed in accordance with clauses 18 and 19, sch 5, FTAA and in compliance with s 82 FTAA).*

If the Expert Panel found that adverse impacts remained, it must then undertake the 'proportionality' assessment in s 85(3) FTAA and consider whether those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the Expert Panel must consider under section 82(4) FTAA, after taking into account conditions as required by s 85(3)(b)(i) and (ii) FTAA. This requirement applies regardless of whether a precautionary approach is applied, but we note that a precautionary approach may influence the Expert Panel's finding on the significance of those effects.

If the Expert Panel found that there were adverse impacts that were sufficiently significant to outweigh the project's regional and national benefits, even after the consideration of conditions to address those adverse effects, this would be relevant to the question of decline under s 85(3) FTAA.

- 112 We have adopted the approach outlined above in our assessment of air safety effects of the proposal at Part E.

Section 104(1)(b) - Any relevant planning provisions

- 113 In this case the most relevant planning provisions are contained within the NPS-I, the NPS-HPL, the NPS-U, the CRPS and the District Plan. We have identified objectives and policies relevant to protecting the Airport from incompatible activities. There are other provisions that are also relevant and these are discussed in Part G and Part H.

- 114 The output of the Panel's consideration of the project under the planning provisions is not determinative; rather it must be factored into the section 81 and section 85 analysis.

Section 104(1)(c) - Any other matter the consent authority considers relevant and reasonably necessary to determine the application

- 115 The Navigatus assessment filed with the Applicant Response refers to CAA Advisory Circular AC139-8 (**AC139-8**) which provides guidance regarding heliport approach and

³⁹ Noting that the Courts have consistently emphasised that there needs to be a plausible basis, not just a suspicion or innuendo, for adopting the precautionary approach. Conflicting opinions about whether a proposal would result in adverse effects, where the expert witnesses were in no doubt about how the effects arise, what creates them, what might cause them, are not lack of scientific knowledge.

take-off paths.⁴⁰ Documents filed by CIAL and the Applicant refer to Australian NASF Guideline H: Protecting Strategically Important Helicopter Landing Sites (**Guideline H**).

116 AC139-8 and Guideline H are matters that the Panel may have regard to under s104(1)(c) RMA. The meaning of the words "relevant" and "reasonably necessary" in section 104(1)(c) are relatively straightforward. The test of relevance is that the matter relates in some way to the consent authority's decision so as to achieve the purpose of the Act. Being "reasonably necessary" imports a concept somewhere between "expedient" on one hand and "essential" on the other.⁴¹ There are no provisions within applicable RMA planning instruments specifically related to the issue of air safety effects relating to the GCH heliport. This issue is directly relevant to the purpose of the RMA and in the absence of other guidance we consider that reference to these documents is reasonably necessary in the circumstances of this case.

117 Minute 13 requested further information from the Applicant, CIAL and Airways regarding how much weight the Panel should give to AC-139-8 and Guideline H and also requested an assessment of the proposal against these documents. The Panel is grateful for the responses received which we have carefully considered. We discuss this matter further in Part E below.

Section 104(2) – permitted baseline

118 Section 104(2) provides that when forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

119 Mr Phillips introduces a proposed permitted baseline of greenhouses located on the Site purportedly in response to Mr Kyle's planning evidence. Mr Phillips argues that greenhouses are relevant in so far that they demonstrate that large-scale built form could credibly establish on the Site and would only be managed by the standards and sub-chapter 6.7 of the CDP. Mr Phillips's evidence includes an aerial image showing glasshouses around almost the entire perimeter of the Site. Mr Phillips considers this indicates the form that this type of greenhouse development could take on the Site, in compliance with the District Plan.⁴²

120 We consider this evidence goes beyond matters strictly in reply directed by Minute 13. It introduces an entirely new and separate subject that was not raised by Mr Kyle.

121 Even so, we have considered whether to apply the permitted baseline in the circumstances of this case, noting that section 104(2) confers on us a discretion on a consent authority. We have decided to exercise our discretion not to apply the permitted baseline for the following reasons:

- (a) The proposed permitted baseline of greenhouses located on the Site has been introduced very late in the FTAA process through the Applicant's evidence in reply. Consequently we have not had the benefit of evidence from CCC, CIAL or Airways on this point. In particular, CCC has not had an opportunity to verify the

⁴⁰ Navigatus assessment filed with the Applicant Response to comments at Section 7.1, page 28.

⁴¹ *J F Investments Ltd v Queenstown Lakes District Council* 2006 WL 1174360 at [31]-[32].

⁴² Phillips supplementary statement of evidence 18 March 2026 at [20]-[26].

Applicant's assessment of the relevant planning rules applicable to greenhouse development on the Site of the scale and location proposed by the Applicant.

- (b) We understand that GCH heliport was established after the CDP became operative and we are not aware of any CDP provisions specifically related to management of development beneath the southern approach to the heliport. Given the timeframes of the FTAA process, we have not been able to explore this point further but it suggests to us that a cautious approach to application of the proposed permitted baseline should be adopted in the circumstances.
- (c) Planning matters aside, we have not received any evidence regarding the practical feasibility of locating greenhouses at this scale on the Site. For example, it is unclear whether sufficient water supply would be available for a greenhouse development of this scale to be successful. In this regard, we note that the Reeftide assessment filed with the substantive application records that Christchurch West Melton Groundwater Zone is fully allocated which means that there is limited available water supply.⁴³
- (d) Further, it is unclear whether establishment of a greenhouse development would be financially viable on this Site. None of the assessments filed to date by the Applicant address this question.

Section 104(6) - A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application

122 Section 104(6) provides that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application. Section 104(7) requires that the consent authority, in making an assessment on the adequacy of the information, must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.

123 The Panel's consideration of the project under section 104(6) is not determinative; rather it must be factored into the section 81 and section 85 analysis. The *Taranaki* decision found that inadequate information to determine the scale of adverse impacts, itself constitutes an adverse impact.⁴⁴

[...] If: (i) information is inadequate or uncertain such that favouring caution is required, and 'favouring caution' cannot be achieved through conditions, or (ii) the Panel considers that it does not have adequate information to determine the application, these scenarios would meet the definition of an 'adverse impact' in s 85(5), which is "any matter considered by the panel in complying with s 81(2) that weighs against granting the approval". As such, the inadequacy of information could provide the basis for declining the approval if the panel considers that adverse impact, by itself or in combination with any other adverse impact, is sufficiently significant to be out of proportion to the project's regional or national benefits.

124 A feature of this case is that the argument of CIAL and Airways is not that the Applicant's experts have reached the wrong conclusions; rather they contend that the material before the Panel does not enable a proper understanding of the potential aviation effects of the proposal and corresponding conclusion on the validity of the expert assessments.

⁴³ Reeftide Assessment dated 4 March 2025 at pages 7-8.

⁴⁴ *Taranaki* at [184].

In particular they contend that the information presently available does not enable the Panel to determine:

- (a) What aviation safety or operation effects may arise;
- (b) The scale of any such effects;
- (c) How these effects might appropriately be managed;⁴⁵
- (d) The costs of those risks (effects) – either in terms of safety or the costs of ensuring safety is not compromised; and
- (e) Ultimately, whether the adverse impacts of the proposal are sufficiently significant to be out of proportion to the project's benefits.⁴⁶

125 We assess whether the Applicant has provided adequate information to enable assessment of the proposal in Part E below.

Approvals relating to a wildlife approval under the Wildlife Act 1953

126 Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval.

127 For completeness, we set out clause 5 in full:

For the purposes of section 81, when considering an application for a wildlife approval, including conditions under clause 6, the panel must take into account, giving the greatest weight to paragraph (a),—

- (a) the purpose of this Act;
- (c) 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
- (d) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

128 Given the wildlife approval application was not the subject of extensive comments the Panel confirms that it has considered the matters in Schedule 7 including clause 5 above in deciding to approve the wildlife approval on the conditions specified in **Appendix 3**.

Section 85 FTAA - Ability to decline consent

129 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined.

130 Section 85(1) and (2) sets out the matters that apply to a mandatory decline decision. Section 85(3) sets out the matters that must be considered by the Panel in forming a

⁴⁵ Memorandum for CIAL dated 12 March 2026 at [28].

⁴⁶ CIAL memorandum of 12 March in response to Minute 13 at [13.1].

view that the approval sought should be declined. Again for completeness we set out section 85(3) in full below:

Approval may be declined if adverse impacts out of proportion to regional or national benefits

- (3) *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.*
- (4) *To avoid doubt, 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 document that a panel must take into account or otherwise consider in complying with section 81(2).*
- (5) *In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.*

131 We note the Expert Panel for in Wahi North identified important differences between the RMA and FTAA approval process:⁴⁷

[10] The decision-making criteria in the Schedules impose obligations that are never more stringent than to "take into account" the various matters specified. In the case of Schedule 5 (applying in relation to resource consents), Section 104D of the RMA is specifically disapplied and with it the s 104D(1)(b) requirement that non-complying activities "not be contrary to" planning instrument objectives and policies. Similarly, the provisions in the Conservation Act that would have caused the NZL the greatest difficulty in relation to the Concessions are not of controlling effect under the FTAA.

[11] Also material are:

- (a) *The heavy emphasis in the Schedules on the purpose of the Act;*
- (b) *The way in which s 85(3)(b) is expressed; and*
- (c) *The prohibition in s 85(4) from concluding that 85(3)(b) threshold has been met "solely on the basis" of inconsistency with a statutory provision or document that must be taken into account or considered*

[12] The differences just referred to include the following overlapping considerations:

- (a) *The s 85(3) test and the decision-making criteria in the Schedules require a weighing of incommensurables between what are claimed to be economic benefits on the one hand and, on the other, actual or potential adverse effects (perhaps environmental or cultural). Carrying out the weighing exercise is likely to involve something akin to the overall judgment approach that was rejected by the Supreme Court in*

⁴⁷ The Wahi North Project [FTAA-2504-1046] Expert Panel (18 December 2025) at pg 318.

*Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors.*⁴⁸

- (b) *Associated with this, there are no "bottom lines" of the kind applied in King Salmon.*
- (c) *Planning objectives and policies do not play as critical a role in relation to resource consent applications (particularly for non-complying activities) as they would under the RMA.*
- (d) *Where the activities (or effects) are not consistent with provisions in the planning instruments, there is thus scope for greater focus on the significance of the effects in issue than would be permissible under the RMA.*

132 For the reasons set out later in this decision report (see Part E, Part F, Part G and Part H), the Panel is satisfied that none of the circumstances in section 85 apply to the Application or the Project. In particular, the Panel has formed the view that, after taking into account the project design and conditions offered by the Applicant and subsequently modified by the Panel, any adverse impacts are not sufficiently significant to be out of proportion to the Project's regional benefits. The Panel has therefore concluded that the approvals sought should be granted subject to the conditions in **Appendix 1** (District Council conditions of consent), **Appendix 2** (Regional Council conditions of consent) and **Appendix 3** (Wildlife Act approval conditions). No further comment about section 85 of the FTAA is required in these circumstances.

PART D: IWI AUTHORITIES

Section 18 Report for a listed project

133 The relevant iwi authorities, Treaty settlement entities and other relevant Māori groups identified in the Section 18 Report are recorded in Part B.

Substantive application information

134 The application documents include an assessment of cultural effects and a consultation summary⁴⁹, which records engagement undertaken prior to lodgement of the application with Te Taumutu Rūnanga and Te Ngai Tūāhuriri Rūnanga. The Application also includes preliminary feedback on the proposal from Te Taumutu Rūnanga and Te Ngai Tūāhuriri Rūnanga at Appendix 29 and Appendix 30 of the AEE respectively.

135 Te Ngai Tūāhuriri Rūnanga provided preliminary feedback to moderate the effects of the proposed activity on mana whenua values by letter dated 4 February 2025 which included the following recommendations:

1. *An Accidental Discovery Protocol (ADP) must be in place during all earthworks required to exercise this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).*
2. *An Erosion and Sediment Control Plan for any earthworks required to give effect to these consents must be prepared, inspected, and maintained in accordance with Environment*

⁴⁸ *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38; [2014] 1 NZLR 593.

⁴⁹ AEE at [290]-[295] and page 75, Table 4: Consultation Summary.

Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the exposed soils have been stabilised.

3. *Indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.*
4. *Every indigenous vegetation removed must be replaced with two equivalent species (like-for-like) at or near the site through transplantation or other methods, as an offset measure.*

Ecology:

1. *Fish salvage by a suitably qualified fish expert must be undertaken prior to diverting the water race into pipes.*
2. *A suitably qualified ecologist needs to be present during any works associated with piping the water race for de-fishing.*

136 Te Taumutu Rūnanga also provided preliminary feedback to moderate the effects of the proposed activity on mana whenua values by letter dated 19 February 2025 which included the similar recommendations as those made by Te Ngai Māhūririri Rūnanga.

137 The AEE contains an assessment of Mana Whenua recommendations (at Table 22) which provides the applicant's response to each of the Rūnanga recommendations/requested conditions. In summary, each of the recommendations/requested conditions were accepted by the Applicant. The Application records that the preliminary assessment suggest that the proposal will not give rise to significant cultural effects.⁵⁰

⁵⁰ AEE at [297].

Comments

- 138 Pursuant to s53(2)(b) – (g) the Panel invited comments from Te Ngai Tūāhuriri Rūnanga and Te Taumutu Rūnanga.
- 139 Te Ngai Tūāhuriri Rūnanga commented on the Application through its mandated representative (Whitiora Centre Limited (**Whitiora**)). Whitiora referred to Table 22 and the Mana Whenua recommendations noted above. Whitiora acknowledged that the matters identified in consultation between the applicant and Te Ngai Tūāhuriri Rūnanga have been addressed in the project description and conditions of consent.
- 140 Te Taumutu Rūnanga also provided comments on the Application which are similar to the preliminary feedback discussed above together with a proposed Residential Discovery Protocol (at Appendix 1).
- 141 We note that the EPA provided us with a separate letter from Whitiora stating that Te Ngai Tūāhuriri Rūnanga exercise rangatiratanga and kaitiakitanga over the Site, rather than Te Taumutu Rūnanga. We acknowledge this statement. We were not requested to make a determination on this point, and it is not necessary for us to do so given that the matters raised by the respective comments from Te Ngai Tūāhuriri Rūnanga and Te Taumutu Rūnanga. We have referred the letter to the EPA for response.

Statutory requirements

Treaty settlements and recognised customary rights

- 142 Section 7 requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2012 and the Nga Kōhe Moana o Ngā Hapū o Ngāti Porou Act 2019.
- 143 The Ryans Road Project is not within or adjacent to the common marine and coastal area and accordingly there are no relevant Customary Marine Title Groups. Further, the Project area is not within ngā kōhe moana o ngā hapū o Ngāti Porou.
- 144 However, there is one Treaty settlement that is potentially relevant to the Application, namely the Ngāi Tahu Claims Settlement Act 1998.

Effect of Treaty settlements and other obligations

- 145 In accordance with the advice provided in the Section 18 Report the Panel concludes that section 82 of the FTAA does not apply. Equally, section 84 does not apply.
- 146 For completeness the Panel notes that under Schedule 7, clause 5 regarding the wildlife approval, there is no reference to Treaty settlements or equivalent.

PART E: EVALUATION OF EFFECTS

- 147 Schedule 5 clause 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:

- (a) *an assessment of the actual or potential effects on the environment:*
- (b) *if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:*
- (c) *if the activity includes the discharge of any contaminant, a description of—*
 - (i) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (ii) *any possible alternative methods of discharge, including discharge into any other receiving environment:*
- (d) *a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:*
- (e) *identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:*
- (f) *if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:*
- (g) *if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:*
- (h) *an assessment of any effects of the activity on the exercise of a protected customary right.*
- ...
- (a) *any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic or cultural effects:*
- (b) *any physical effect on the locality, including landscape and visual effects:*
- (c) *any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:*
- (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) *any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:*
- (f) *the unreasonable emission of noise:*
- (g) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*

148 The AEE provided an assessment of these matters (in the AEE, at pages 20-68, and in the technical reports attached as Appendices). Parties who commented also raised a range of actual and potential effects.

Approach to effects evaluation

149 The Panel has identified the following categories of actual and potential effects on the environment that, in particular, require more detailed discussion. The discussion of these effects is set out in detail later in this section:

- (a) Transport effects on Ryans Road and Grays Road and the surrounding road network including state highway intersections in the vicinity of the Site;

- (b) Effects on the safe and efficient operation of Christchurch Airport and potential risks to aviation safety, including effects on the safety, regularity and resilience of aviation services provided by Airways to the Christchurch Airport;
- (c) Effects on air safety and operation of the GCH heliport, including the southern flight path of helicopters using the heliport;
- (d) Visual amenity and landscape effects; and
- (e) Economic effects / benefits of the proposal.

150 Other actual and potential effects of the Application are not generally in dispute and, subject to appropriate conditions, appear to be acceptable on the basis of the information provided to us, whether via the Application, invited comments, or responses to further information requests. These effects have been assessed by the Panel to varying extents and include: positive effects, rural land use effects, social effects, infrastructure servicing effects, noise & vibration effects, contaminated land effects, geotechnical effects, natural hazards, construction effects, heritage & archaeological effects.

151 Where this decision report does not discuss a particular effect on the environment, we record that the Panel has nevertheless carefully considered all information provided to us. Unless stated otherwise, we are satisfied that the conclusions offered by the Applicant's technical experts are acceptable. We have also had regard to the relevant planning provisions in considering the effects of the Project, as noted in Part H: Planning Framework.

152 Some of these matters are the subject of conditions on which the Panel provides further commentary within our effects assessments and in Part K of this decision report, in some cases proposing amendments.

153 Finally, we record that the commentary offered by CCC and CRC on the Application generally and also in response to proposed conditions, and the high level of agreement reached between the councils and the Applicant on the conditions, has been very helpful to the Panel.

154 The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part H: Planning Framework.

155 In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.⁵¹ The environment includes that which presently exists. It also:

*...embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*⁵²

⁵¹ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

⁵² *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

Aircraft Safety and Airport Operations

Proposal

156 While other matters have been contested to various extents by parties, and notably issues around transport effects and design, the primary issue of contest is the extent to which the proposed development might adversely impact the function and management of airport communications, navigation and surveillance (**CNS**) equipment, and corresponding impacts on aircraft safety and airport operational efficiency. In brief:

- the Applicant contends that it has undertaken sufficient specialist technical investigations, supported by appropriate conditions, to conclude that the proposal will not result in any adverse impact on the function of the CNS systems to the extent that:
 - (a) would adversely impact aircraft safety and airport efficiency; and
 - (b) would trigger any requirement for Airways and/or CIAL⁵³ to make any changes to their systems or operations to maintain the current levels of service; while
- Airways and CIAL consider that such conclusions cannot be definitively made on the basis of the investigation undertaken and information provided⁵⁴. Rather, they insist that a full Aeronautical Safety Study is required to be undertaken in accordance with Civil Aviation Rule (CAR) AC139-15 and ICAO EUR Doc 015⁵⁵. That would take six to nine months to conclude. While they have offered comments on some conditions in the event that the Panel was minded to grant the consent, both parties do not consider that the consent should be granted based on the current information gap created by the lack of appropriate assessment.

Planning controls and restriction areas

157 The relevant planning controls and restriction areas are described below and referred to in this section.

Christchurch District Plan

Special purpose (Airport) Zone: Airport and surrounding land, including the land directly adjacent to the Site. This is divided into an Aviation Precinct and a Development Precinct. The matters addressed in this section relate to potential effects on the operation of the Aviation Precinct.

⁵³ Originally the Applicant identified that GCH may need to alter southern flight approach paths for all helicopters except but Performance Class 1 (those with two or more engines). Conditions have now been offered to avoid that outcome.

⁵⁴ As discussed later, Airways also identify what it considers to be significant errors in the assumptions made by the Applicant's experts regarding the Airport CNS systems. While this is not the primary reason for requesting an Aeronautical Safeguarding Study, Airways identifies that as one risk of not undertaking that study, with full engagement of the relevant participants.

⁵⁵ International Civil Aviation Organization: European Guidance Material on Managing Building Restricted Areas.

- Designation A1 (Designation): includes an Aviation Precinct and a Development Precinct under the CDP. The designation requires approval under section 176A of the RMA from the Airport as the Requiring Authority for any use of land.
- Protection Surfaces. Penetration of these surfaces by structure associated with the proposed development is a prohibited activity under the CDP.
 - Take-off Slopes and Approach Slopes Protection Areas: To preserve the unobstructed airspace within these areas for the safe manoeuvring of aircraft at low altitude during take-off and landing these restrict any building, structure, tree or utility that penetrates the Protection Surfaces other than for navigational aids and maintenance or repair of existing building, structures or utilities and specified national grid works.
 - Runway End Protection Areas (**REPA**): protects land and airspace at runways ends including by restricting development and activities on the land and associated airspace for the safe functioning of the Airport. The REPA overlay prevents buildings, structures, and certain activities from establishing in this location by way of a rule with prohibited activity status.
- Other control areas.
 - Bird Strike Management Area: A 3km radius of the thresholds of the runways where additional controls of land use apply to minimise the incidence of bird activity and consequential risk of bird strike. Permitted activity standards are provided for activities within these areas, with controlled, restricted discretionary, discretionary activities status' for activities that do not comply with the permitted standards.
 - Ground Lighting and Aircraft Safety Control Areas: Extending beyond each runway to avoid lighting effects of other land uses on aircraft safety. Compliance is required with CAA rules and CDP prohibited activity rules. Permitted standards (horizontal and vertical lux spill) apply to outdoor lighting within this area. The CDP also provides a restricted discretionary status when not meeting some standards.

Garden City Helicopters Protection Surfaces

- GCH commenced operations at its current site in 2017. The approach paths were developed within the Guidance of CAA Advisory Circular 139-8 and under Civil Aviation Rule Part 139-8.

Civil Aviation Authority

- Building Restricted Area (**BRA**)⁵⁶: The area extending from CNS facilities where buildings have the potential to cause unacceptable interference to CNS functions. They are managed in accordance with ICAO EUR DOC 015⁵⁷.
- Radar Building Restricted Area⁵⁸. A surface that controls the height of buildings within proximity of airport radar. Buildings to be avoided within 500m and beyond that, building should be below a defined conical surface.
- Civil Aviation Rule (**CAR**) Part 77: The objective of Part 171 is to set standards, specifications, restrictions, and requirements for the issue and exercise of an Aeronautical Telecommunication Service certificate under the Civil Aviation Act 2023, and to ensure New Zealand meets and maintains applicable ICAO operating and technical standards for aeronautical telecommunication services and facilities. Part 171 includes rules governing the certification and operation of organisations providing aeronautical telecommunication services in support of IFR flight or an air traffic service.
- CAR Part 172: The objective Part 172 is to set standards, specifications, restrictions, and requirements for the issue and exercise of an Air Traffic Service certificate under the Civil Aviation Act 2023, and to ensure New Zealand meets and maintains applicable ICAO standards and recommended practices related to certification and operating requirements for organisations providing an air traffic service in the New Zealand and Auckland Oceanic Flight Information Regions. Part 172 also prescribes the operating and technical standards for the provision of an air traffic service by a certificated organisation.
- CAR 139.131: A holder of an aerodrome operator certificate must monitor operations and conduct an aeronautical study for any significant change or significant changes that may affect the safety of aerodrome operations.
- CAA Advisory Circular AC139-8: Describes an acceptable means of compliance with the general requirements for design and layout of heliports under Civil Aviation Rule Part 139 Aerodromes Certification, Operation and Use.
- CAA Advisory Circular AC139-15: Describes an acceptable means of compliance with Civil Aviation Rule Part 139 requirements relating to the undertaking of aeronautical studies. Relates to rules 139.21, 139.131 and 139.457.

158 The location and proximity of the site to the airport is described earlier in our Decision. It is located south of the Aviation Precinct of the Airport, being approximately 170m south of the southern end of Runway 02 (the main north-south orientated runway). The end of the emergency stop for the runway associated with is located 74m from the site at its closest point. A western portion of the site within the area covered by Designation

⁵⁶ Airways comments Appendix B.

⁵⁷ Airways comments Appendix A. International Civil Aviation Organization: *European Guidance Material on Managing Building Restricted Areas*; Third addition 2015.

⁵⁸ Airways comments Appendix C.

A1 and REPA A2⁵⁹. A larger portion of the site part of the site also lies under the Airport Protection Surfaces.

- 159 The site lies within the BRA and Radar Building Restricted Area.
- 160 The GCH heliport is located immediately north of the north-eastern boundary of the site, adjacent to proposed Lots 121 and 122. The Final Approach and Take-Off (**FATO**) for the GCH operation extends across the Applicant's site. The Touch-down and Lift-off (**TLOF**) point is approximately 188 from the boundary of proposed Lot 121.
- 161 While the design of the development and proposed conditions have remained relatively static since the Additional Comments material on which comments were sought, the Applicant has provided additional technical assessments and memoranda up to its Minute 14 response. It progressively amended conditions up until and including its response to Minute 13. These assessment and responses are discussed in more detail later.
- 162 With specific relevance to aircraft safety and airport operational efficiency, the proposal as it currently stands is as follows.
- No building will occur within the designation of REPA (compliance with drawings imposed through conditions).
 - Building heights will be restricted by conditions such that they do not penetrate CDP airport protection surfaces (Condition 12⁶⁰ and Condition 13).
 - Building heights and orientations will be further limited through conditions to give effect to the recommendations of the technical assessments undertaken, and to achieve the outcomes stated above (Condition 6)⁶¹.
 - A requirement for CAA approval for penetration of airport protection surfaces by temporary cranes and construction plant (Condition 7).
 - Restriction of activities that can be undertaken within the industrial lots of the development (Condition 4).
 - Control of construction and operational glare and lighting (Conditions 9 to 12 and Condition 84).
 - Covenants to be registered against each lot to give effect to the conditioned aircraft safety requirements (Condition 21).
 - Additional obligations regarding requirements under Civil Aviation Rule Part 77 for penetrations of protection surfaces, such as during construction (Condition 21A).
 - An Aviation Contact and Incident reporting requirement (Condition 21B).

⁵⁹ The western portion being Lots 59 and 60, and part of lots 58, 123, 124, 125, and 126.

⁶⁰ With a process to assess exceptions that is discussed later in this Decision.

⁶¹ With a process to assess exceptions that is discussed later in this Decision.

- A requirement for a further Aviation Risk Assessment to confirm acceptance of proposed works (Condition 21C) incorporating engagement with CAA, CIAL, Airways and GCH.
 - An additional Aviation Risk Assessment to refine the design within specific lots that could impact the southern approach path and emergency landing procedures of GCH (Condition 21D).
 - A dispute resolution condition (Condition 21E).
 - Incorporation of matters relevant to aircraft safety and operations within the construction Environmental Management Plan (Conditions 26 and 27).
 - Stormwater design to minimise the period and extent of ponding during and after rainfall (Conditions 58 to 77).
 - Avifauna management (bird strike) in accordance with a Wildlife Hazard Management Plan (**WHMP**) to be updated in consultation with CIAL and with general consistency with the existing CIAL WHMP (Conditions 109 to 112).
 - Consent notices to be attached to the title of each lot to require compliance with the relevant stormwater management and wildlife management requirements of the conditions (Condition 116).
- 163 The critical CNS components that are operated by Airways in controlling aircraft movements to and from the airport are:
- Distance Measuring Equipment (**DME**): an aviation navigation system that tells a pilot the slant range distance to a ground-based beacon. The aircraft transmits a signal to the ground station, which replies with a signal. The aircraft's onboard equipment measures the time it takes for the signal to travel to the ground station and back to calculate the distance, which is then displayed in nautical miles.
 - Doppler Very High Frequency Omni Directional Range (**DVOR**): a short to medium-range radio navigation system used by aircraft to determine their position and heading relative to a ground based beacon.
 - Instrument Landing System (**ILS**): a ground-based radio navigation system that provides pilots with precise horizontal and vertical guidance for landing an aircraft, especially in low-visibility conditions like fog or heavy rain. It consists of two main components: the localizer for horizontal alignment with the runway centre-line, and the glide slope for correct descent angle guidance.
 - Primary Surveillance Radar (**PSR**): a non-cooperative radar system that detects an aircraft by receiving reflected radio signals to provide bearing, distance and in some cases altitude information to air traffic controllers.

⁶² Descriptions taken from Appendix 19 of the Applicant's Response.

- Secondary Surveillance Radar (**SSR**): a system that works with an aircraft's transponder to provide air traffic control with information like an aircraft's identity and altitude.

164 At the time of lodgement, the Applicant relied on its first iterations of conditions and compliance with the various CDP protections to achieve aircraft safety.

165 In its Additional Information, it included at Attachment (F) a Safeguarding Assessment prepared by L+R Airport Consulting. That report considered the project design, the draft WHMP, CDP, and the Australian National Airports Safeguarding Framework (**NASF**), in line with the guidance in the New Zealand Airports Association (**NZAA**) Airport Master Planning Best Practice Guide, the Civil Aviation Rules (**CAR**) Part 139 Aerodromes – Certification, Operation and Use, and the proposed consent conditions. The report concluded that noise and reverse sensitivity, building generated windshear and turbulence, wildlife strike, lighting and glare, protected operational airspace, CNS, helicopter operations and public safety would be all acceptably managed. It noted that the development would impact on the emergency landing approach currently available to GCH.

Comments Received

166 As for all comments and RFI responses received, the Panel has read and considered them in detail. The following summarises the matters raised, much of which is based on complex technical and regulatory requirements associated with the operation of the Airport.

Airways Corporation of New Zealand

167 Airways detailed its role as a State Owned Enterprise, providing air traffic control (**ATC**) services to all aircraft operators utilising airspace throughout the country as well as oceanic airspace. Operating under New Zealand's Part 171 and 172 Civil Aviation Rules (Air Navigation Service Provider) Airways must ensure safety standards are met for all flights within the airspace.

168 Airways provided comments regarding potential impacts of the proposed development on the operation of the DVOR, ILS and PSR/SSR for the Airport. It identified that additional regulations are relevant to assessing the effects of the proposal. The CDP provisions, designation and protection surfaces do not address all relevant effects.

169 It noted that under the Ground-Based Navigation Aid Panel (**GBNA**), the CAA and the New Southern Sky programme identified the Christchurch ILS and DVOR as essential elements of the national aviation infrastructure. The Application would enable development of buildings that would penetrate the BRA of the CNS systems⁶³. The International Civil Aviation Organisation (**ICAO**) publishes guidance on BRAs where development and buildings might compromise the operation of navigational and surveillance equipment and services.

170 Airways stated that due to the limited timeline available for it to provide comments, it was not possible to categorically determine the effect of the development on these services, and further analysis is needed. It considered an Aeronautical Safeguarding

⁶³ But not, as noted, the protection surfaces imposed by the CDP.

Study, prepared in accordance with ESASSP v1.3⁶⁴, is required to examine the risk created by the development on the safe operation of all navigational and surveillance equipment and services. That study had not been undertaken. Airways sought that such a study be completed before the Decision on the Application was made, and that that subsequent covenants be placed on proposed lots to require implementation of the development parameters that are identified as necessary through that study.

- 171 Airways considered that the development will likely impinge (directly or indirectly) on the signal paths emitted from equipment (DVOR, the ILS, and PSR/SSR) currently used for navigation and surveillance of aircraft within the Canterbury region. Individually and combined, this infrastructure is critical to the safe management of airspace at Christchurch Airport and surrounding areas.
- 172 It challenged the L+R findings regarding the DVOR, stating that cumulative building effects, and building type, had not be considered. If the operation of the DVOR is sufficiently compromised and can no longer be relied upon, aircraft operating under CAA Rule Part 119 (Commercial Air Operators such as airlines) are required to carry additional fuel for potential diversions. The extra fuel needing to be carried on the aircraft displaces cargo weight and increases fuel consumption per passenger. This would lead to higher carbon emissions overall and may place limitations on flights into Christchurch by compromising the viability of longer distance flight routes.
- 173 Christchurch Airport is also listed in Schedule 1, Part A of the Civil Defence Emergency Management (**CDEM**) Act 2002 and its DVOR is part of New Zealand's Minimum Operating Network (**MON**), a list of required navigational facilities designed to provide aircraft with an alternate means to navigate. In the event of a Global Position System (**GPS**) outage, such as one caused by space weather or jamming, the Airport would be unable to meet this emergency management function effectively without the DVOR as a backup navigation aid. Airways also noted that low-cost jammers are increasingly available to the public, resulting in local GPS interference becoming increasingly widespread both internationally and within New Zealand with events noted by Air Traffic Control in the last 18 months at Auckland and Wellington.
- 174 The ILS is used to guide aircraft onto the runway in all weather conditions. It consists of glidepath (provides correct angle of decent) and localiser (provides lateral guidance onto the runway) components, each of which have multiple RF beams. These beams are received by systems onboard the aircraft guiding it down to land at the correct area of the runway. The progressive nature of the ILS beams requires extremely precise calibration by specially equipped flight inspection aircraft for each specific installation. The surrounding environment must be taken into account as the beams are sensitive to local changes. The development reflections may impact the function of the ILS. Airways considered that if the ILS is no longer able to meet certification, this will have a "major" impact on a majority of aircraft using the airport such as military (Antarctic Support Operations), air ambulance, freight and general public travelling on domestic and international flights. A number of airlines require this navigational aid to be in operation and will have no choice but to restrict their operations into Christchurch. Some procedures used by aircraft operators link the ILS and DVOR together. Compromise of

⁶⁴ EUROCONTROL Specification for ATM Surveillance System Performance (ESASSP) v1.3.

the DVOR renders the ILS inoperative because missed approach procedures require the aircraft to use navigational information from the DVOR.

- 175 Radar is the most sensitive of the potentially affected CNS facilities and is a crucial navigational and surveillance asset for the airport as it is the only service that can 'see' non-cooperative aircraft. Its minimum performance limits are set by ESASSP v1.3 which is a Eurocontrol standard for aviation radar facilities. The Application proposes to enable a permitted baseline of industrial development of the Site with a height limit of 20m, with some additional height restrictions, and of a significant density with industrial zone building coverages. Airways considered that any development of this height and or/density on the Site will almost certainly have detrimental effects on the radar system causing it to fail its minimum safe limits.
- 176 Airways requested that the application be declined and a full Aeronautical Safeguarding Study be completed to inform future design options for the development. As a fall-back position, at section 2.1 of its document, Airways offered conditions that required the outcomes of the Aeronautical Safeguarding Study are "made public and supplied to any prospective lot buyers of the development in perpetuity" and that covenants are placed on future lots to "prevent future buyers from impinging on aviation services", including but not limited "the number of buildings, building construction type, height limitations, crane use, glint and glare assessments, power cable layout and Electromagnetic Interference (EMI) assessment for RF-emitting equipment".

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- 177 CIAL provided comments and two appendices comprising draft conditions and a peer review of the Applicant's background to CIAL's operations, assets and strategic importance. It identified its precincts, REPA, navigation and surveillance systems, and Bird Strike Management Area (BSMA).
- 178 CIAL considered that the Application would likely compromise the safe and efficient operation of the Airport as it had not satisfactorily addressed potential risks to aviation safety. It sought to ensure that development does not compromise those functions and assets, or its ability to operate unrestricted as critical regional and national infrastructure.
- 179 CIAL considered that the Application had only partly addressed the relevant controls and restrictions under the CDP and had not satisfactorily addressed key civil aviation rules, restrictions and requirements relating to the operation of the Airport and its navigational and surveillance equipment.
- 180 It stated that "meaningful engagement" with CIAL or other key aviation stakeholders had not occurred. That had resulted in what it considered to be a proposal that constitutes a high risk to the operational and aviation safety of the Airport. A comprehensive aeronautical study was requested before consent is granted, comprising consultation with key stakeholders, including CIAL, and making suitable amendments to the Application in light of the outcomes of the study.
- 181 As the holder of the aerodrome operator certificate for Christchurch Airport, Part 139 of the Civil Aviation Rules 2023 require CIAL to protect the operation from any electronic or visual navigation aid or air traffic service facility for the aerodrome.

- 182 CIAL stated that the Safeguarding Assessment undertaken by L+R did not accurately identify the relevant New Zealand Airport safeguarding regulations and guidelines and in particular aerodrome safeguarding requirements, and failed to confirm that adverse effects on aviation safety from the proposed development will be avoided. The Safeguarding Assessment failed to undertake consultation with potentially impacted stakeholders, which is a key component of any comprehensive aviation safeguarding assessment. CIAL observed that the Safeguarding Assessment is also not a full aeronautical study of the proposal and therefore is not sufficient to assess the aviation effects of the proposal. The aeronautical study requested should be undertaken in accordance with all CAA guidelines and best practice aviation guidelines, including relevant guidance prepared by the International Civil Aviation Organization.
- 183 CIAL's comments on potential impacts of the proposal on CNS were consistent with those provided by Airways, being that those effects had been insufficiently assessed and quantified, in particular with respect to DME/DVOR, ILS, and Radar.
- 184 Concerns were also raised regarding insufficient assessment and controls on lighting and dust.
- 185 With respect to bird strike risk, CIAL noted that the Bird Strike Management Area (BMA) for the Airport applies within a defined radius (within 3 km of the thresholds of the runways). Any development that has the potential to increase the number of birds within the BMA presents a significant risk to the safe operation of the Airport. CIAL included a peer review undertaken by Avisure. This concluded that insufficient detail had been provided, and it should be required that the WHMP and associated conditions be prepared in consultation with CIAL, and that it require certification by CCC. Detailed requirements for the WHMP were provided.
- 186 CIAL did not support the proposed management for stormwater via stormwater basins located and designed to achieve technical compliance with standard 6.7.4.3.1 of the CDP. While compliance with that rule may have been achieved, the basins still presented a risk of attracting birds and providing nesting habitat via the ponding of water and surrounding attributes. CIAL considered that the basins would increase the scale and significance of bird strike risk in the BMA thereby posing a risk to the safe operation of the Airport. CIAL requested that stormwater basins be avoided and that all stormwater be disposed to ground soakage, as it is within the Airport.
- 187 While standing by its request to avoid stormwater basins, CIAL sought that any planting around stormwater features be limited to those plant species listed under Appendix 6.7.4.3.1 of the CDP. It did not consider the Concept Landscaping Plan provided by the Applicant to be sufficiently detailed. It requested that the Panel require a detailed landscape plan for the stormwater basins, street planting and buffer planting to be submitted before any Decision on the Application can be reached.
- 188 CIAL acknowledged the proposed conditions that require the submission of a Construction Management Plan or Earthworks Management Plan. It did not consider those conditions to sufficiently address the matters relevant to bird strike risk. CIAL requested that the Panel require the submitted Construction Management Plan and Earthworks Management Plan be updated to adequately identify the potential for construction and earthworks activities to attract birdlife and management measures that will be put in place to minimise this risk before any Decision on the Application is made.

189 Notwithstanding CIAL's overall request that the application be declined, a suite of amendments to conditions was offered that, to the extent it considered possible, addressed the range of potential effects that it identified as being occasioned by the proposal.

190 At section 4.3 of its document, CIAL addressed matters of specific relevance to the GCH operation, noting that the FATO area for that facility extends over the Applicant's site. It referenced CAA Advisory Circular 139-8 that advises that FATO should be:

over terrain which affords emergency landing areas in relation to the proposed altitude of the helicopter and its autorotative performance and that should have approach and take-off paths such that, if the helicopter is not a performance Class 1 helicopter, an autorotative landing can be conducted without any undue risk to any person on the ground.

191 CIAL acknowledged the Applicant's proposed conditions preventing penetration of the FATO protection surfaces. It sought amendments to those conditions. It also sought an updated safeguarding assessment addressing downwash risk, particularly for proposed Lot 121.

192 Despite its suggestions on conditions, CIAL did not support the creation of development with this emergency landing approach of the GCH site. It also refuted the relevance of the L+R Airport Consulting report proposition that practical limitations on complying with the CAA Advisory Circular 139-8 existed within an urban environment. CIAL noted that the site is within a rural environment (Rural Urban Fringe zone). At section 4.3 it stated that the zone:

provides for a significantly lower density of development than the Application seeks to provide for. Therefore, the risk of conflict with helicopter operations and emergency landings by current or future rural development of the Site is significantly lower than the risk that would arise by the proposed industrial development, and the claimed practical limitations that would arise with compliance in an urban environment therefore are not present on the rural Site.

193 At section 5, CIAL sought that the application be declined. Without prejudice, it also requested that if the Panel was minded to grant the application, the following specific requirements must be satisfied before consent is granted.

- The need for an independent aeronautical study to be completed to inform the design of the development and consent conditions with respect to avoiding effect on DVOR, ILS, Radar, Protection Surfaces (against the incoming ICAO OLS).
- A Safeguarding Study to address potential visibility effects of dust.
- Detailed amendments to the WHMP, Construction Management Plan and Earthworks Management Plan conditions.
- An updated Safeguarding Study to address helicopter downwash; avoidance of development under the FATO, and an independent aeronautical study assess the potential risks to helicopter operations by the proposed development, and amend the Application accordingly to suitably address identified adverse effects.
- More stringent REPA restrictions.
- Amended conditions to address building generated windshear and turbulence, including certification.

- More restrictive conditions to address light effects.
- Additional conditions to address reverse sensitivity.

Applicant Response

194 In the Applicant's Response, three specific airport safety assessments were provided:

- Appendix 17 L+R Airport Consulting (Ben Hargreaves);
- Appendix 18 Cyrrus Technical Safeguarding Assessment (Simon McPherson); and
- Appendix 19 Navigatus Aviation Safeguarding Assessment (Geraint Birmingham).

195 The Panel has read those assessments in detail, in conjunction with the Appendix 02 Planning Memorandum Response prepared by Mr Phillips and the legal submissions presented on behalf of the Applicant. We consider that Planning Memorandum correctly reflects the conclusions of the technical assessment.

196 Mr Phillips also provided a summary of engagement with Airways, which he stated as commencing in January 2025, with further correspondence occurring through August and September 2025. Through that, the Applicant sought advice from Airways on suitably qualified and experienced professionals that could prepare an "aeronautical safeguarding study"⁶⁵. Airways referred the applicant to Cyrrus (UK aeronautical consultancy) and Navigatus (and New Zealand based consultancy) as specialists it has used.

197 At paragraphs 34 to 36 of his memo Mr Phillips summarises the findings of Cyrrus assessment as follows:

34 *The executive summary of the Cyrrus Report describes the main findings of its assessment of effects on each of the specific air navigation facilities at Christchurch aerodrome. It concluded that those effects will be minor (at most) and acceptable in terms of relevant guidelines for safety and flyability. The executive summary also concludes that overall, the technical safeguarding assessment and modelling:*

- i. Confirms that the effects on air navigation equipment from development of the Ryans Road land are manageable to an acceptable standard.*
- ii. Has modelled a worse-case scenario. The actual effects are expected to be less than those predicted by the worst-case model.*
- iii. Confirms that effects on air navigation equipment from development of the Ryans Road land will be of an acceptable standard, provided that:*
 - (a) Development occurs in accordance with the modelled parameters of the development as detailed in paragraph 2.2.1 of their report; or*
 - (b) Development is of no greater height or width than the modelled parameters of the development as detailed in paragraph 2.2.1 of their report; or*

⁶⁵ The term used by Mr Phillips at [26] of his Appendix 02 memo.

- (c) *Alternative development is re-modelled and assessed to confirm it has acceptable effects on air navigation equipment.*

35. *Conditions of consent described later in this memorandum require development to be in accordance with the modelled parameters shown in drawing 2024_051 Carter Group 104 Ryans Road - Building Heights D; or otherwise re-modelled and assessed by a suitably qualified and experienced professional as having acceptable effects on air navigation equipment.*
36. *Subject to such a condition of consent and based on the findings in the Cyrrus Report, any adverse effects on air navigation equipment are concluded to be minor and acceptable.*

198 For the Navigatus Report, Mr Phillips summarises this as follows.

37. *As relevant to Airways' concerns regarding effects on navigational and surveillance equipment and services, Navigatus were engaged to provide New Zealand based aviation advice on and expert review of the Cyrrus (UK) Report in the form of an Aviation Safeguarding Assessment.*
38. *In regards Airways' comments on air navigation equipment located at Christchurch aerodrome, Navigatus adopted the assessment and conclusions by Cyrrus, noting that the Cyrrus safeguarding assessment applied internationally accepted processes (methodology).*
39. *In section 11.7 of its report, Navigatus concluded:*

'The analysis by Cyrrus has confirmed that the effects of a worse-case scenario development proposal on ANE⁶⁶ are manageable to an acceptable standard, provided that development is of no greater height or width than the modelled parameters of the development and that some key relative angles of building surfaces are maintained as modelled. Navigatus otherwise concludes that credible and practical options for post-build mitigation also exist. In particular, for a radar system impact Airways would have scope to 'code remove' any offending building(s)'.

199 For the L+R report, Mr Phillips summarised:

40. *L+R's updated safeguarding assessment dated 28 November 2025 accounts for and accepts the specialist Technical Safeguarding Assessment of Air Navigation Equipment, by Cyrrus Limited of the UK. L+R conclude that based on this assessment and the adoption of the recommendations in that assessment, 'the proposal appropriately safeguard the safety, efficiency and regularity of CIA operations' and any adverse impacts on airport safeguarding matters, 'will be adequately managed to an acceptable level through the mitigating measures proposed'.*

200 Conditions were proposed to give effect to the recommendations of the technical assessments, including:

- Specification of building location, heights and orientations.
- Requirement for further safeguarding assessments where buildings are proposed that deviate from those specifications.
- Covenants to lock in the above requirements on the lot titles.

⁶⁶ Aerodrome Navigation Equipment.

- 201 In response to CIAL comments, Mr Philips repeated his assessment of effects on CNS, being "minor (at most) and acceptable and not otherwise of a significant magnitude"⁶⁷.
- 202 With respect to lighting, the Applicant adopted CIAL's requested modification of conditions.
- 203 With respect to visibility (dust impacts), Mr Phillips summarised how such effects will be addressed and appropriately controlled through the construction management plans as required by conditions. This approach was confirmed as acceptable in the L+R assessment. Modifications of the originally proposed conditions were offered to tighten those requirements, including management of stockpiles, waste and debris. Mr Phillips also note the Construction Management Plan and any conditions of resource consent, and the Civil Aviation Rules Part 77 also impose obligations on the developer of the site and future buildings.
- 204 Mr Phillips noted that Civil Aviation Rules Part 77 also impose obligations on the developer of the site and future buildings, stating "As noted by Navigatus, any activity (including construction activity) with the potential to affect navigable airspace must be notified to the CAA and the Director of Civil Aviation will then determine whether any object or efflux constitutes a hazard and, if so, sets requirements (known as a 'determination') to mitigate risk". A consent condition and advice note was included in that regard.
- 205 The Applicant's Response on bird strike was provided in Appendix 11 Bird Strike Memo prepared by Lizzie Civil of PDP, and the Appendix 01 Planning Memo Response prepared by Clare Dale of Novo Group. Appendix 11 provided a draft WHMP, which was provided to CIAL for review on 30 October 2025. That was followed by a meeting between the Applicant's project manager, Ms Dale and specialists (ecology, stormwater, landscape) and Jessie Aimer, CIAL Environment and Planning Advisor on 11 November 2025.
- 206 In response to that engagement, further conditions were offered to ensure that planting within lots to ensure compliance with CDP Appendix 6.11.9 Plant Species for Water Bodies and Stormwater Basins in the Bird strike Management Area.
- 207 Ms Dale stated that other matters discussed have been added in the updated draft WHMP submitted in the Applicant's Response.
- 208 An overall redraft of the bird strike conditions 109 – 112 was included in its response, including specification of the content of the final version of the plan, and provision for CIAL to further review and comment on the draft before being finalised. This includes a requirement for the WHMP to be finalised and certified before implementation.
- 209 Ms Dale did note further correspondence from CIAL that stated "CIAL considers that the potential for increased bird activity and associated bird strike risk cannot be meaningfully assessed in isolation from other aviation safety matters"⁶⁸.
- 210 At that stage of the project, the following matters were apparent to the Panel:

⁶⁷ [45] of his Appendix 02 memo.

⁶⁸ [88] of her Appendix 01 memo.

- The safeguarding assessments provided were not described as aeronautical safeguarding studies or aviation safeguarding studies.
- While it is acknowledged that the technical reports stated that the assessments were based on 'conservative' or 'worst case' assumptions, there were several references to effects being 'acceptable' rather than avoided. Those effects were specifically noted by the Panel, and are addressed below in the further responses received from the parties.
- We also noted reference to equipment upgrades that could be made by Airways to address any 'worst case scenario' residual impacts so as to maintain existing CNS performance. The cost of any such upgrades was not addressed by the Applicant's experts.
- Impacts of buildings on the performance of CNS would not trigger an obligation for the developer to engage with CAA under CAR Part 77. Rather, such obligation would be limited to physical effects such as may occur during construction or building height if they were to penetrate aircraft protection surfaces.
- The proposal would require an alternative southern approach flight path to GCH, and potentially in some circumstances, an alternative landing site.

RFI Responses

Minute 6

- 211 In Minute 6, we requested further comments from Airways and CIAL on the Applicant's Response, including the technical assessments provided and any new conditions or changes to conditions that could address outstanding aircraft safety and airport operations concerns held by those parties.

Airways

- 212 Airways responded to the collective safeguarding assessments (the Cyrrus, Navigatus, and L&R reports), stating that they were not the "aviation safeguarding study"⁶⁹ as Airways considered it had recommended to the Applicant. Airways did not provide technical evidence attributed to a specific technical author.

- 213 Airways technical concerns focused on:

- Non-cumulative assessment bias;
- Over-reliance on specific building orientation;
- ILS glidepath disturbances;
- DME loss of information during runway approach;

⁶⁹ We infer this to mean the Aeronautical Safeguarding Study sought in their comments, and as confirmed in subsequent responses.

- Radar degradation;
 - Notwithstanding the overall lack of an aviation safeguarding study, the inadequacy of proposed conditions.
- 214 Airways stated that its CNS engineers “do not consider the study is of sufficient depth or rigour to address aviation safety risks, nor the solutions discussed to properly mitigate the risks to aviation safety if the development is approved as currently proposed. Principal areas of concern are:
- The safeguarding assessments are a desktop exercise, assessing the interference of the proposed development in isolation, not in conjunction with the surrounding area.
 - Some proposed mitigations are unrealistic or implausible in the local context (e.g. rotating a building by 2 degrees, or ‘code removing’ selected buildings from the display).
 - The modelling and parameters depicted are overly conservative which underplays the risk involved.
- 215 Importantly, the studies place significant reliance on Airways’ ability and willingness to adjust, configure, or optimise aviation equipment and introduce procedures to mitigate the effects of the development, rather than requiring the applicant to avoid or fully mitigate those effects at the design stage. This could result in ongoing operational burdens and costs for Airways, and is inconsistent with the principle that safeguarding should primarily be achieved by controlling design, land use and development, “*and not achieved by operational workarounds*”.
- 216 Airways considered that ‘Minor’, ‘acceptable’ or ‘manageable’ risks rely on building compliance within future lots which is an unacceptable risk. Nor has cumulative effects from all surrounding structures been taken into account.
- 217 Airways sought a pause on the application process to allow further engagement and a full aviation safeguarding study to be completed.

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- 218 CIAL retained its broad safety concerns and opposition to the proposal. It provided its submissions with the following attachments:
- Attachment 1: A description of its expected approach to a full aeronautical safeguarding study and comparison with the approach taken by the safeguarding assessments prepared for the Applicant;
 - Attachment 2: Examples of recognised aeronautical study process;
 - Correspondence prepared by GCH; and
 - Correspondence prepared by CIAL (Michael Singleton - Chief Strategy & Stakeholder Officer and Jesse Aimer - Senior Environment and Planning Advisor).

- 219 CIAL's submissions challenged the reported extent of consultation and reiterated its opposition to the proposal in the absence of a full aeronautical safeguarding study. It outlined the various responsibilities of CIAL, Airways and CAA and reiterated that the airport is "critical infrastructure, providing essential connectivity and supporting domestic, international, defence, and emergency operations. It is a key designated lifeline utility under the Civil Defence Emergency Management framework, enabling rapid movement of emergency personnel, medical supplies, food, fuel, and relief equipment during natural disasters and national emergencies".
- 220 CIAL advised that it is required to notify its global insurers under its aviation insurance cover of any potential change in the risk profile of its operations at the Airport. It stated that insurance is a core risk-management tool for airport operators, providing financial protection against residual operational risks that cannot be eliminated through design or operational controls.
- 221 In Attachment 4, Mr Singleton and Mr Aimer addressed ongoing concerns regarding bird strike risk and the draft WHMP. They considered that the WHMP should take account of wider risk, and identified the following issues:
- Potential increase in the prevalence of high risk species.
 - Focus on the REPA instead of the 3km Bird Strike Management Area.
 - Species risk classification.
 - Insufficient passive management measures.
 - Lack of determination of "significant number" for assessing bird risk.
 - Lack of viability of some active management measures proposed.
 - Insufficient escalation procedures.
 - Insufficient monitoring requirements.
 - Insufficient measures to trigger a WHMP review.
- 222 Its legal submissions provided a background to the establishment and operation of the GCH facility. This involved working with CIAL to identify an alternative location from its former location at 515 Memorial Avenue. The process included aeronautical studies and, for various reasons including the completion of the aeronautical safeguarding study, which took nine years to complete.
- 223 CIAL acknowledged that the Navigatus assessment proposed a controlled area across the southern approach to the GCH site, with an aeronautical study in accordance with Advisory Circular AC139-15 to be prepared to, amongst other matters, determine acceptable building footprints, heights, and positions within the flight path control area to ensure safe straight-ahead emergency landing capability. CIAL considered that process to lack sufficient certainty of outcome for GCH.

- 224 CIAL noted that proposed condition 6 does not strictly prevent buildings from deviating from the design constraints on which the Applicant's assessment were based, and does not include sufficient safety assessment requirements to assess such alternatives.

Garden City Helicopters

- 225 GCH provided a statement included at Appendix 3 of the CIAL memorandum detailing its operations and concerns about the proposal. It stated:

- Garden City Helicopters is a strategically important helicopter landing site in the context of NASF Guideline H. That guideline is relevant to the facility and is expressly referenced by the New Zealand Airports Association Airport Master Planning Good Practice Guide as appropriate guidance where New Zealand-specific provisions are limited or absent. NASF Guideline H principles seek to:
 - Avoid incompatible development in proximity to helicopter approach and departure paths.
 - Preserve emergency and autorotative landing opportunities.
 - Minimise risk to people and property on the ground.
 - Avoid future reverse sensitivity conflicts that may constrain helicopter operations.
- Land-use planning as the primary safety control, rather than reliance on operational or procedural mitigations.
- The facility supports:
 - 24/7 emergency, medical and rescue helicopter operations serving the northern South Island.
 - Single-engine helicopter training under Part 91, including low-experience pilots.
 - Refuelling and operational staging for the Otago-based emergency medical and rescue helicopter operations provider (Heli-Otago).

Operations conducted in night, adverse weather, and time-critical environments.
- For the 12-month period 16 December 2024 to 16 December 2025:
 - 1,144 helicopter movements transited directly over the exact footprint of the proposed development site, not merely in its vicinity.
 - 995 movements were conducted by GCH, including training, operational, and emergency service flights.
 - 149 movements were conducted by Heli-Otago, utilising the GCH facility as a refuelling, staging, and operational stop.

- 200 further helicopter movements were recorded in the immediate area south of the GCH Final Approach and Take Off (FATO), including manoeuvring, circuit, arrival, and departure activity closely associated with the same flight environment.
- The GCH facility is also used by other itinerant and ad-hoc helicopter traffic, including but not limited to:
 - Inter-regional helicopter operators transiting through Christchurch.
 - Commercial and private helicopters utilising GCH for refuelling, weather avoidance, or operational staging.
 - Emergency and contingency diversions where GCH provides the most suitable helicopter landing site within the Christchurch control zone.

- 226 Loss of autorotative emergency landing opportunities via the existing approach path for single engine helicopters is not an acceptable impact on the facility. It is also inconsistent with the NASF Guidance for training environments and emergency medical services. It is not appropriate to rely on pilot operational mitigation.
- 227 Downwash hazards cannot be reliably managed through consent conditions or site-specific controls during emergency and night operations.
- 228 GCH also expressed concern about reverse sensitivity created by helicopter operations in close proximity to new industrial buildings.
- 229 GCH did not agree with the Applicant's safeguarding assessments' reliance on fixed-wing safeguarding frameworks for helicopter operations.
- 230 GCH did not support the precedent risk of approving the development, operational constraints, and incremental erosion of safety margins.

Minute 7

- 231 Minute 7 requested that the Applicant consider how it would like the Panel to proceed with the Application in light of the timeframe in which the Panel is required to issue its Decision and requested that Airways and CIAL (inclusive of GCH) reply to the Applicant's response.
- 232 The Applicant responded suggesting that parties engage, with the intent to prepare an agreed set of conditions that could satisfactorily address the concerns of Airways, CIAL and GCH. The Applicant suggested a two-week period was suggested for that process.
- 233 Memorandums of counsel for Airways and CIAL stated that those parties did not consider engagement on conditions to be a worthwhile process, in the absence of a full aeronautical safeguarding study. Airways reiterated its obligations under the Civil Aviation Act 2023, specifically Civil Aviation Rule Parts 171 and 172 (expositions dated 27 Nov 2025) to ensure there are no safety issues associated with the Air Traffic Control services to all aircraft throughout New Zealand. CIAL expressed a lack of evidential foundation does not allow resolution within the available FTAA timeframe, even if a further suspension was sought.

Minute 8

- 234 Minute 8 requested parties to provide planning and / or legal memoranda on the relevance of the National Policy Statement for Infrastructure 2025. This is discussed in a separate section of our Decision. In brief, CIAL and Airways submitted that the NPS is of general relevance, while the Applicant submitted that it was of limited relevance and in particular, that policies 10 and 11 were not relevant.

Minute 9

- 235 Minute 9 requested that the Applicant provide a final set of conditions, expert commentary on whether consent conditions are appropriate, and legal submissions explaining how the application should be assessed in the framework of the FTAA. The Applicant could, if it wished, include a response to substantive matters regarding air safety / airport operation raised by CIAL and Airways.
- 236 Minute 9 also sought advice from the parties on the relevance of the precautionary principle to this application under the FTAA.
- 237 In response, the Applicant provided an updated set of conditions, legal submissions, and the additional technical statements on aircraft safety matters that we list in the section of Procedure at Part B of our Decision. In brief, these responses concluded that the safeguarding assessments undertaken by the Applicant have adopted appropriate methodologies, are conservative in their assumptions, and sufficiently confirm that effects on aircraft safety and airport operations will be acceptable, with residual risks to be appropriately managed through the proposed conditions, and otherwise controlled by the CA regulations.
- 238 In summary, at [8] to [10] of his supplementary statement, Geraint Bermingham of Navigatus stated:

8. *It is my view that:*

- (a) *The Applicant's proposal adheres to all the requirements set out in the CDP, with regard to aerodrome safeguarding.*
- (b) *The Applicant has had [sic] the aerodrome safeguarding framework as recommended by New Zealand Airports Associations (NZ Airports) applied and the relevant analysis undertaken.*
- (c) *The proposed maximum building envelope for the development reflects the safeguarding findings and the CDP constraints – this addresses almost all potential aviation impacts.*
- (d) *The established CAA Part 77 process will enable any physical obstacles, noise and light distraction hazards during the construction phase to be properly managed.*
- (e) *While the technical assessment by Cyrrus concludes that "no significant operational impacts are anticipated to arise from the proposal", other further viable mitigations are available should radio signal interference issues arise.*
- (f) *Should development result in existing emergency landing areas not being available to helicopters operating to and from the GCH heliport, alternative flight procedures may need to be developed. This may result in some limited operational efficiency or utility costs on GCH.*

9. *Irrespective of the assessment work, given the protection offered by CAR Part 77 and the applicable clauses of CAR Parts 139, CARs 171 and 172 and CAR 91, aviation safety will be maintained.*

10 *The assessment provides confidence that aviation safety risks are identified, and can be managed, and mitigated.*

239 In his statement Simon McPherson of Cyrrus clarified at [20] that he did not propose that the ILS status would be degraded (Cat 3 to Cat 1) and did not rely on that as mitigation in the conclusions of his earlier assessment. Mr McPherson also stated that at the point that building reflection may affect the DME/DVOR, pilots would be on visual approach and would not be relying on that guidance system.

240 Mr McPherson addressed various other CNS matters. He acknowledged some potential minor impact on radar, but that mitigations "are standard measures" and that radar operations would not be "unduly" compromised.

241 Mr Hargreaves of L+R queried the relevance of the NASF Guideline H to the GCH operation and stated at [10] "While the NASF Guideline H indicates a number of matters that should be considered in relation to the safeguarding of SHLS, its primary purpose is to guide land use planning authorities on the incorporation of planning controls to protect SHLS operations". Rather, he referred to CAR Part 77 as the more relevant control, relying on the statements of Dr Shelley and Mr Bermingham in that regard.

242 Dr Shelley was engaged by the Applicant in January 2026. He provided a peer review based on material provided by the Applicant, including the reports prepared by L+R, Cyrrus and Navigatus; comments and responses by Airways and CIAL; and commented on the relevance of the CDP. Dr Shelley relied heavily on the respective roles of the CDP and CAR Part 77 to work in tandem to appropriately manage effects on the Airport CNS and GCH operations. In his opinion at [3.4] "They [the Applicant] have adopted consent conditions and development constraints that provide surety as to such matters.

On this basis, essential aviation safety requirements are met and no residual issues of significance should affect CIAL or Airways and their obligations under CAR Parts 139, 171 and 172". He included "engaging with CIAL and Airways" as part of the appropriate process undertaken. Dr Shelley considered a number of the conditions offered by the Applicant to be unnecessary based on the predicted effects and risk.

- 243 Ms Civil of PDP provided a detailed response to the CIAL comments on bird strike risk and the draft WHMP. At section 2.1, Ms Civil considered that the conditions proposed "in many respects exceed the normal industry standard expected for a development of this type in this location". In summary, Ms Civil stated:

Overall, PDP considers that the draft WHMP, together with the proposed consent conditions, provide a robust and enforceable framework for managing bird attraction and bird strike risk during construction and operation of the proposed development. Responsibility for implementation and compliance is clearly defined, and accountability is maintained in perpetuity with consent conditions applying to all current and future owners, tenants, and operators. Accordingly, PDP considers that the proposed approach appropriately manages bird strike risk and provides the level of certainty required for aviation safety in this context.

- 244 Ms Civil commented that the CIAL Avisure peer review appeared to have misunderstood some aspect of the WHMP, which did acknowledge that some higher risk species may persist or increase, within an overall reduction in bird presence. She clarified that the WHMP does take account of the full 3km radius Bird Strike Management Area. Various other technical and classification matters were also addressed and clarified.
- 245 The economic assessment prepared by Maggie Long and Greg Akehurst of Market Economics attempted a comparative assessment of the benefits of the proposal against potential effects externalised to Airways, CIAL and GCH. The aviation safety statements also commented on this matter. We address these issues in a separate section of our Decision.

Minute 12

- 246 Minute 12 dated 5 March extends the timeframe for a response from the Applicant to 10 am Friday 6 March. On 5 March Counsel for the Applicant advised the EPA that it did not have instructions to suspend processing of the Application and provided the EPA with a memorandum dated 5 March prepared by Mr McPherson of Cyrrus.
- 247 In section 3 of his memo, Mr McPherson clarified that his prediction of DME multipath reflection from the proposed development will be at shallow / low angles relative to the Runway 02 approach. Based on his modelling, an approaching aircraft will fly above those reflections during the final 0.5 nautical miles (926m) of its approach and will only coincide with the reflection in the final 85m of approach. Mr McPherson reiterated his opinion that:

aircraft will not be using the DME at this point of their approach or at any other point within this final 0.5 nautical mile of the approach. The DME would only be used prior to (south of) the DVOR/DME site, following which pilots will fly visually to land without using DME information. If the visibility is too poor, then pilots will be required to fly a go-around procedure climbing to 4,000 feet initially on the runway heading, again without relying on any DME information in this location.

- 248 In section 4 of his memo Mr McPherson clarified that he does not consider that it will be necessary for Airways to alter its systems. He does not "propose, rely upon, or

require any change to Airways' operational procedures as being necessary to mitigate any effects of the development".

249 In section 5 he considered that:

The development has already internalised effects on CNS by:

- *modifying building orientation where modelling showed potential ILS glidepath disturbance (2° rotation), now embedded in the proposal;*
- *limiting building heights and envelopes to those assessed; and*
- *proposing conditions requiring reassessment if development departs from the modelled envelope;*
- *The setting of additional conditions would not address any real effects on CNS, because there is no predicted operational impact, no degradation of navigation aid performance, and no reliance on Airways changing procedures to accommodate the development.*

250 In section 6 he noted that while he did not consider it to be necessary, "the applicant wanted to allay all concerns it could consider by offering a voluntary limitation on the development or maximum wall-face height of buildings on Lot 122 to further address any perception of adverse effects in relation to the extent of potential DME reflections at the final extent of the approach to runway 12".

Minute 13

Applicant

251 In response to Minute 13, the Applicant provided legal submissions and memoranda from Mr McPherson (Cyrus), Dr Shelley, Mr Bermingham (Navigatus), and Mr Phillips. This was received before receipt of the responses from Airways and CIAL described below.

252 Mr McPherson stated:

In all cases, aircraft are under the visual control of the pilot during the final 0.5 nautical mile of the approach, including the final approximately 85 metres of approach where the modelled interference intersects the approach path. DME information is only used prior to passing the DVC/DME Site (i.e. to the south), and there is no reliance on DME during the visual segment of the approach to landing. Accordingly, for all aircraft landing at Christchurch Airport there is no reliance on DME within the relevant portion of the final approach.

253 Dr Shelley expended on his earlier statement on the distance of the GCH TLOF to the development, with the closest point being at Lot 121, approximately 187.7m from the centre of the TLOF. Any buildings on lot 121 and lot 122 will be subject to a specific aviation risk assessment by way of Condition 21D.

254 Dr Shelley distinguished between mandatory requirements of CAA rules compared with Advisory Circulars. AC139-8 is an Advisory Circular. He did consider that significant weight should be given to compliance when that is achieved, but only limited weight when compliance is not achieved, given that AC139-8 explicitly recognises that there are other methods of achieving compliance with the associated rule. Dr Shelley

provided an assessment of compliance with AC139-8 with respect to the GCH operation. He concluded that it complied.

255 Dr Shelley stated that the NASF Guideline H is "informative, but it should be afforded limited weight". He continued to assess that the GCH heliport is not a strategically important heliport, as defined in Guideline H.

256 Dr Shelley confirmed that agreement with Mr McPherson's position regarding the reliance on the DEM / DVOR in the final 0.5NM of approach to Runway 02.

257 Mr Bermingham acknowledged that CAA AC139-8 only applies to the aerodrome operators or heliport operators, and that it should be given "significant weight" as an acceptable means of compliance with the associated rule. He agreed with Dr Shelley that relevant matters were addressed in the Navigatus report. At [11] he also stated:

I also agree that the proposed constraints (conditions) on development, including new condition 21D now provides for more detailed assessment of the risks potentially created for helicopter operations from and to GCH heliport by that part of the development site immediately south of the GCH heliport as well as the potential risk of helicopter downwash as described in section 6.2 of the Navigatus assessment dated 28/11/2025. Accordingly, I consider the requirements of advisory circular AC139-8 as I list in paragraph 8 above will be met.

258 Mr Bermingham considered that for GCH, NASF Guideline H should be given limited weight, reiterating the points he had raised in his report and earlier responses.

259 He agreed with Mr McPherson regarding pilot reliance on DME / DVOR.

260 Mr Phillips addressed various matters discussed at the 4 March 2026 conference, including potential DME effects; and potential reliance on adjustments to GCH operations. He also provided an updated set of conditions.

261 Mr Phillips contested some aspects of the engagement that the Applicant had had with Airways and CIAL before and after lodgement of the application.

262 He reiterated Mr McPherson's advice regarding pilot reliance on DEM / DVOR during a final approach.

263 Mr Phillips described an additional condition offered (condition 21D) which sets out more detailed requirements for a specific aviation risk assessment in relation to those lots that are relevant to, or may have a potential bearing on, GCH's operational activities. In particular, clause 21D(C)(a) requires a targeted assessment of GCH's emergency landing capability. He also described new condition 21E that provided a dispute resolution process to resolve difference of opinion or acceptance between the Applicant (as consent holder), CIAL, Airways, and / or GCH in the additional aviation assessments now offered.

Airways

264 In response to Minute 13, Airways provided legal submissions and a statement of evidence from Robert Grimm, Manager National Operations and Maintenance, Airways. Mr Grimm outlined his qualifications and experience. While acknowledging himself as an employee of Airways, we accept that he has specific relevant technical expert knowledge of the operations of Airways CNS systems, including at Christchurch Airport, and can appropriately provide expert assistance to the Panel in that regard. While it

would have helped us greatly to have been provided his statement earlier in the process, we now have it before us and must give it due consideration and weight.

- 265 Mr Grimm outlined what he considered to be the normal and appropriate stepwise approach to an aeronautical safeguarding study, providing examples of where this has been adopted and the timeframes required for completion. At [3.5], he listed what he considered to be the seven established steps for that process:

Early actions and risk control (minimum indicative timing – weeks 0-4)

- *Step 1: Initial stakeholder meeting to understand the proposal and agree Decision pathway.*
- *Step 2: Further correspondence with applicant and applicable stakeholders such as airports / airlines to confirm and agree scope of encroachment of BNS.*

Engineering studies and analysis (minimum indicative timing – weeks 4-16)

- *Step 3: Undertake safeguarding assessment (desktop).*
- *Step 4: Undertake electromagnetic / radiofrequency impact assessment (detailed on site by Airways engineers) to verify assumptions and quantify effects. To verify the software modelling assumptions against the local conditions, such subsequent work can involve:*
 - *ground and flight testing, (to confirm modelling);*
 - *materials analysis and effects of structures (eg steel reinforced concrete vs wood, carbon fibre);*
 - *radio frequency sensitivity assessment (eg reflection, refraction, multipath, shadowing, scalloping, bearing error, course structure distortion);*
 - *stakeholder meetings (airlines, airports).*
- *Step 5: Undertake operational impact / mitigation assessment.*

Consultation and consent conditions (minimum indicative timing – weeks 16-24)

- *Step 6: Inform findings workshop (Airways typically to present findings with applicant and stakeholders once detailed analysis in previous steps have been completed).*
- *Step 7: Once the development is confirmed as safe from an aviation safety perspective, agree appropriate consent conditions with applicant and stakeholders.*

- 266 Mr Grimm considered that the Applicant had only completed Steps 1 to 3 and refuted that Airways has been sufficiently engaged. He also stated that not all proposals need to go through all steps, but that the process must be adopted to determine at which point sufficient assessment has been made. His context for this comment was for smaller developments or developments further away from Airways infrastructure.

- 267 He acknowledged that the Applicant's experts have concluded that suitable mitigations have been incorporated to minimise risk. However, he stated that Airways cannot "accept that evidence (nor can the Panel have confidence in it) without confirmation by the Design Engineers employed by Airways whose job it is to verify exactly that fact using the process above" (Aeronautical Safeguarding Study).

- 268 Mr Grimm contended that Dr Shelley was incorrect to assume that CAR Part 77 will appropriately address effects on the Airport operations and CNS. At [5.3] he considered that despite the identified (but in his opinion not yet sufficiently quantified) effects, Part 77 may not be triggered by the Application. "Part 77 is one component of safeguarding; it does not, of itself, answer whether nearby conductive / reflective structures will degrade navaid or radar performance to an unacceptable level". At [5.4] he stated that Part 77 "does not confer on the Director [of CAA] a direct administrative power to compel a private landowner to stop construction, modify a building, or remove an obstacle". Instead, the burden would be on Airways / CIAL to make operational changes to their infrastructure as result of the Application, to ensure aviation safety.
- 269 He did not agree with Dr Shelley's opinion that a full Aeronautical Safety Study "goes well beyond what would typically be expected". He considered that what is being requested by Airways and CIAL is a standard requirement requested of all proposed developments in close proximity to Airways infrastructure.
- 270 Critically, Mr Grimm refuted a number of assumptions adopted and conclusions drawn in the Applicant's assessments. These include:
- With reasons provided, he "strongly" disagreed with various statements by the Applicant's experts that ILS scalloping will be reduced to an "acceptable level". In his opinion, such claims may be incorrect and in any event, must be validated and further tested by Airways' engineers.
 - At [6.2] to [6.5] he refuted Mr McPherson's conclusion regarding effects on operations from the DME, being lost in the last 0.5NM from the runway threshold being an acceptable condition for aviation traffic. Mr McPherson assumed that pilots would not be relying on that equipment in the final 0.5NM of the approach. Mr Grimm stated that that assumption is "not correct or appropriate". In his statement, a planned loss of navigation signal during approach is unacceptable, inconsistent with approach procedures, and relies on velocity memory that is a fallback feature contained in some (but not all) aircraft avionics systems and is therefore not an acceptable design mitigation. The loss of DME information within 0.5nm on the Christchurch approach will be a problem for some aircraft, especially when carrying out an IFR (instrument) missed approach. The published approach procedure is designed for DME to be maintained throughout, not for a pilot to switch to VFR (visual) as Mr McPherson suggests. Mr McPherson's statement that pilots simply switch to visual on final approach is not in line with the published procedure. Whilst this may be less of an issue for modern commercial jet aircraft, the many smaller, older or regional carrier aircraft (who also regularly use Christchurch Airport) do not have the avionics systems necessary to avoid the continuous use of DME in this situation. Loss of a consistent DME signal in a go around will also add unnecessary stress to a pilot when their workload is already at a high level. The published approach procedure is designed for DME to be maintained throughout, not for a pilot to switch to VFR (visual) as Mr McPherson suggests.
 - At [6.6] and [6.7], Mr Grimm explained how the provision of full DVOR / DME coverage is a requirement of the 161116 GBNA Strategy document (agreed between the CAA, Ministry of Transport and Airways), and is part of the Minimum Operating Network, the minimum infrastructure necessary to support safe recovery operations.

- At [4.6(c)] he noted Dr Shelley incorrectly stated that Airways has moved to ADS-B because the older radar system was reaching end-of-life and ADS-B was seen as a cheaper option. Mr Grimm stated that ADS-B is a globally accepted standard technology for air surveillance and was not brought in to replace primary radar coverage. The New Southern Sky agreement between the CAA, the Ministry of Transport and Airways requires that Airways provide primary radar coverage for high density or 'Main Trunk' airports, such as Christchurch Airport, as an agreed contingency⁷⁰. This is precisely because it is independent of satellite-based navigation system.
 - At [4.6(d)] Mr Grimm commented on Mr Bermingham's evidence. He stated it was incorrect to conclude that "further viable mitigations are available to Airways and potentiality [sic] building owners"⁷¹ to address effects on surveillance systems, and that Airways would have scope to "remove any offending building(s)". Mr Grimm stated that this capability does not exist for the Christchurch radar equipment, nor would it be helpful as reducing sensitivity to local buildings would also reduce sensitivity to aircraft, thereby compromising the principle [sic] reason for its use"
- 271 At [4.4], Mr Grimm is "unable to verify anywhere where software modelling can replace or substitute real time / environment assessment flight inspections". He stated that:
- There is currently no global regulatory or International Civil Aviation Organisation guidance documentation that allows this (or any other) software to be used as an alternative to the US FAA operational requirements, NZ CAA CAR Part 171 requirements, or indeed even DOC 8071 recommend practices document. In simple terms – I cannot find precedent anywhere that the use of software a software alone [sic] to supplant ground and flight inspection testing. Airways considers the modelling conclusions must be verified to satisfy obligations under CAR Part 171 / 172.*
- Christchurch International Airport Limited*
- 272 CIAL provided legal submissions and statements of evidence from Ford Robertson (Manager – Aviation Safety & Security), John Kyle (planner and director of Mitchell Daysh Limited), and Mr Jeffrey Balchin (Managing Director of Incenta Economics Consulting).
- 273 CIAL legal submissions addressed limitations afforded to CIAL to respond based on the FAA process and what they considered to be the Applicant's approach, and its case (at [13.1]) that "the Panel does not have adequate information to decide:
- (a) What the safety risks are;
 - (b) The extent of those risks;
 - (c) The costs of those risks – either in terms of safety or the costs of ensuring safety is not compromised; and

⁷⁰ This is confirmed in the 17160706 New Southern Sky Concept of Operations 2023 document, point 6.4.4 (page 24) stating "Complete removal of the existing ground based radar network is not envisaged, as this would result in too much reliance on the satellite system..."

⁷¹ Evidence of Mr Bermingham dated 23 February 2026 at [78(b)].

- (d) Ultimately, whether the adverse impacts of the proposal are sufficiently significant to be out of proportion to the project's benefits."

274 With respect to the 'evidential dispute'⁷² between parties, CIAL submitted at [25], "The breadth of s 58(3) reflects the procedural context in which Expert Panels operate under the FTAA and the Panel is at liberty to rely on information that may not otherwise be afforded material weight in an RMA or other Court process", and at [26]:

In any event, CIAL's latest response is accompanied by three Statements of Evidence. Airways' response is similarly supported by evidence. The evidence does not introduce new material or new grounds of opposition. It confirms the reliability of comments made since September 2025 relating to aviation safety concerns, including especially the December 2025 material of CIAL and Airways.

275 Submissions also addressed the acceptability of adverse effects, including within the CDP planning framework. We address this in a separate section of this decision.

276 Mr Robertson confirmed his expectation of a structured aviation risk assessment to be undertaken, listing the matters and outcomes to be achieved by such an assessment. He did not consider the desk-top studies undertaken to date to be sufficient. He confirmed the Airport is recognised as nationally significant infrastructure and is also a lifeline utility under the CDEM. He deferred to Airways to address the technical expectations and requirements of assessing aviation risk.

277 Mr Robertson provided additional background to the history of the establishment of the GCH facility and the significance of its operations. He noted that the identification of the current site "included the commissioning of multiple extensive aeronautical studies for potential alternative sites, engagement with affected safety participants. For the heliport, this included GCH, Airways, CIAL, Transit NZ (now NZTA), Canterbury District Health Board, NZ Police, St John's Ambulance Service and BP Oil". Two key factors in its location are operational needs of the rescue and emergency services, including rapid access by personnel, available open ground surroundings that provided unobstructed and unconflicted approach and departure paths, together with suitable areas for emergency landing operations.

278 At [27] Mr Robertson stated:

Changes to helicopter flight paths are not straightforward and would require careful consideration of a range of operational factors. These include prevailing wind conditions, the interaction between helicopter operations and the Runway 02 approach path, and the separation required between helicopter and fixed-wing operations. Those constraints limit the extent to which approach or departure paths can be altered. In my experience, any proposal to change established helicopter flight procedures would require detailed assessment and the involvement of Garden City Helicopters' pilots and Airways before it could be considered a viable option.

279 At [28] he acknowledged that "In the absence of quantified analysis of the operational and safety consequences of any reduction in forced landing area, and without a description of the alternative flight procedures contemplated, I am unable to reach a conclusion on the extent of adverse impact this proposes. But it seems a clear signal there will be an adverse impact."

⁷² Submissions for the Applicant prior to Minute 13 responses being that CIAL and Airways had not provided expert evidence.

- 280 Mr Robertson provided additional explanation of the role of CAR Part 139, and how that impacts the CAA certification that the Airport operates under. Under CAR 139.131, as a certificate holder, he stated that (at [36]):

CIAL must monitor operations and conduct an aeronautical study for any "significant change" that may affect the safety of aerodrome operations. Where a "significant change" occurs, the aerodrome operator must:

- (a) *Conduct an aeronautical study;*
- (b) *Review the operation of the aerodrome;*
- (c) *Amend its exposition if necessary in the interests of aviation safety; and*
- (d) *Provide the results of the study to the Director of Civil Aviation.*

- 281 At [38] he stated that "If a significant change arises, the statutory obligation to undertake the aeronautical study rests with CIAL as aerodrome operator. This arises under CAR Part 139.131, not Advisory Circular 139-15 as suggested by Mr Bermingham⁷³. Equally, the regulatory responsibility only falls on CIAL and not GCH." At [42] he stated "If development were to alter approach or departure paths, remove or materially constrain emergency landing areas, or otherwise affect helicopter operations associated with the aerodrome, that would likely constitute a "significant change" under CAR 139.131."

- 282 Mr Robertson at [40] reiterated the role of CAR Part 77, which is limited to objects and activities that may affected navigable airspace, but does not apply to effects on CNS from adjacent buildings that otherwise comply with protection surfaces. "However, similar to the position under CAR Part 139, the regulatory framework does not provide a mechanism for operational consequences to be imposed on adjacent landowners whose development gives rise to those effects"

- 283 In response to the Panel's Minute 2 request, at [57] to [59] Mr Robertson described the role and relevance of Advisory Circular 138-8, which he stated as describing "acceptable means of compliance" with Civil aviation Rules. He stated:

Advisory Circular 139-8 provides guidance as to what would be an "acceptable means of compliance" with CAR Part 139-8 in the period leading up the establishment of a heliport. It does not provide the primary framework for assessing the operational consequences of adjacent development affecting an established heliport. Once a heliport has been established, an aerodrome operator would look to the overriding CAR Part 139 obligations when considering a change that may affect the safety of aerodrome operations.

And noted:

AC 139-8 emphasises the importance of maintaining suitable forced landing areas and unobstructed approach and departure paths. The potential reduction in forced landing area availability identified in the Applicant's assessment indicates those considerations may be affected.

- 284 At [60], Mr Robertson addressed the relevance of NASF Guideline H:

NASF Guideline H (Protecting Strategically Important Helicopter Landing Sites) is an Australian framework. Whether or not Guideline H formally applies in a New Zealand planning context, the principles it reflects are consistent with recognised aviation safeguarding practice including the

⁷³ Supplementary statement of evidence of Geraint Rhys Price Bermingham dated 23 February 2026 at [89].

protection of approach and departure paths and the importance of consultation in relation to strategically important helicopter landing sites.

285 At [61] he noted what he considered to be ambiguity in how the Mr Hargreaves in the L+R assessment had considered the guideline, and at [62], how Dr Shelley had discounted the GCH facility as meeting the guideline without addressing all potentially relevant factors.

286 At [63] to [69] Mr Robertson considered that Guideline H is relevant, including because the "GCH heliport exhibits the characteristics of a strategically important helicopter landing site as described in Guideline H". He explained the relevance it plays in the consideration of the proposed development; including:

- Emphasis on the protection of helicopter approach and departure paths, preservation of suitable emergency and forced landing areas, and early engagement with heliport operators where development may affect operational airspace.
- Discouraging incompatible development beneath helicopter flight paths, particularly where those paths support time-critical or emergency operations.
- Recognising the risks of incremental encroachment that progressively erodes aviation safety margins.
- Emphasis on the importance of early engagement with heliport and airport operators so that safeguarding considerations can be incorporated at the design stage.

287 Mr Kyle specifically addressed the planning responses provided for the Applicant by Mr Phillips. He considered there to be an over-reliance on conditions in place of an appropriate risk assessment. At [19] he stated "In my opinion, the conditions proposed by Mr Phillips attempt to construct a framework around missing information, rather than addressing the significant assessment gap". At [20] he noted the proposed condition 21E dispute resolution process and considered that to be "fundamentally antithetical to the collaborative process encapsulated in a true aeronautical study" signalling the lack of collaboration that would be typically expected through an appropriate approach.

288 At [28] Mr Kyle acknowledged the procedural steps imposed by the Applicant's most recent set of conditions. However, he did not consider them to resolve the "underlying and foundational information gaps regarding risk". Nor did he consider that Council could appropriately certify compliance with those conditions as they relate to aircraft safety, given its lack of specialist knowledge on that issue.

289 Mr Kyle considered that the Applicant placed too much reliance on CDP controls, given that it is proposed to be located within the Rural Fringe zone. The current planning instruments do not expressly anticipate the proposed activity at this location. At [31] he stated "In my opinion, reliance on rules designed for different land use assumptions does not demonstrate that the potential aviation effects of this development are adequately managed, especially where those effects remain unidentified and/or unquantified".

290 At [35] Mr Kyle stated:

35 In my opinion, compliance with general plan provisions is not a proxy for a full understanding of risks arising from a non-complying activity in a sensitive, operationally complex environment. In my opinion, reliance on general aviation-protection provisions in the CDP does not resolve the planning issues associated with a large-scale non-complying activity in close proximity to a major international airport. Those provisions were not developed on the assumption that development of this scale would occur in this location. The Rural Urban Fringe Zone provides for a very different array of land uses than an industrial subdivision.

291 In paragraphs [35] to [40] Mr Kyle addressed CRP objectives and policies and at [41] he addressed the NPS-I. He noted a strong direction to avoid impacts on regionally significant infrastructure and considers that to be at odds with the Applicant's conclusions that effects on the function of the Airport will be acceptable. We address this separately in our Decision report.

292 Mr Balchin provided a review of the ME Minute 9 response, having regard to all economic information presented by the Applicant and CCC. He considered the economic benefits of the proposal to be overstated. We discuss this in detail in a separate section of our Decision report.

Applicant

293 Subsequent to receiving the responses from Airways and CIAL that as outlined above, the Applicant sought a further suspension to respond to those statements and legal submissions. That is addressed in Minute 14.

Minute 14

Applicant

294 Minute 14 agreed to the Applicant's request for a further brief suspension and extended the opportunity, as requested, to provide updated conditions and its response strictly in reply to the Airways and CIAL Minute 13 responses.

295 On 18 March the Applicant provided the following:

- Memorandum of Counsel including at Appendix 1 a detailed summary of the expert responses against the corresponding matters raised by Airways and CIAL in their Minute 9 responses;
- Supplementary Statement of Andrew Shelley;
- Supplementary Statement of Ben Hargreaves (L+R Consulting)
- Supplementary Statement of Geraint Bermingham (Navigatus);
- Supplementary Statement (Simon McPherson (Cyrrus);
- Supplementary Statement of Greg Akehurst (Market Economics);
- Supplementary Statement of Jeremy Phillips (Novo Group)

296 We have read the Memorandum of Counsel and each supplementary statement in detail. We are satisfied that Appendix 1 of the Memorandum of Counsel accurately reflects the key responses that each statement provides to matters raised in the Minute 9 response by Airways and CIAL statements of evidence.

297 We discuss specific comments provided in the supplementary statements in our findings below.

Minute 16

298 Under section 70 of the FTAA, Minute 16 invited parties to comment on the Panel's draft decision and condition. Comments specific to aircraft safety are noted as follows.

Christchurch International Airport Limited and Airways Corporation of New Zealand Limited

299 CIAL and Airways provided a joint memorandum of counsel and comments on conditions. Both parties continued their opposition to the granting of consents for the proposed development. They maintained that the full range and scale of potential effects on airport operations could not be identified and assessed in the absence of a full aeronautical safety study. Consequently, they consider the granting of the consents to be unlawful under the FTAA.

300 Specific matters of ongoing concern included:

- The lawfulness of the condition, certainty of outcomes, and enforceability of conditions.
- Deference of aircraft safety matters and timing of construction.
- Impacts of building orientation and height, and opportunity for deviation from the proposal addressed in the technical assessments provided by the applicant.
- Certification processes for future aircraft safety assessments.
- Inappropriateness of the dispute resolution condition.
- Inappropriate reliance on the CAA processes to manage effects on the airport.
- Lack of control and enforceability of enduring consent requirements under multiple ownership and occupation of lots.

301 Notwithstanding its overarching opposition, the parties also provided commentary on the draft conditions. We respond to those comments later. Notably, they offered a condition that required the implementation of an aeronautical safety study to be completed before final design is confirmed and development commences on the site.

Christchurch City Council

302 CCC provided comments on various aircraft safety related conditions to improve interpretation and enforceability. CCC continued to be supportive of the proposal subject to conditions.

Applicant

- 303 The Applicant provided initial responses to Minute 16. These were generally supportive of the Panel's draft decision and conditions. Specific comments on conditions sought to resolve matters raised by the Panel and further strengthen the certainty of outcome intended by the conditions. An expanded advice note addressing the management of helicopter downwash hazard was provided in a memorandum prepared by Mr Bermingham, as an appendix to the Applicant's Minute 16 legal memorandum. No modification to the overall proposal was made.
- 304 The Applicant subsequently sought a suspension on processing to prepare further detailed responses to conditions to address CIAL and Airways comments. That information was provided by the Applicant in its response to Minute 17.

Minute 17

Applicant

- 305 The Applicant provided a detailed set of comments and edits to conditions in response to the CIAL and Airways comments. This was supported by a Memorandum of Counsel, planning memorandum by Ms Dale and Mr Phillips, an ecology memorandum prepared by Ms Civil, and an aircraft safety memorandum prepared by Dr Shelley. These statements related to the comments on conditions and reiterated matters previously addressed.
- 306 Overall, the Applicant's experts and counsel maintained that the consents can reasonably and lawfully granted, and that:
- The "conditions appropriately manage effects, address the comments received from CCC, NZTA, CIAL, Airways and TWTHL, and meet the statutory tests under the Fast-track Approvals Act 2024"⁷⁴; and
 - "Proposed extensions to the aviation safety conditions sought by CIAL and Airways (including site-wide application or third-party approval mechanisms) were not supported by evidence and would go beyond the stated purpose of the conditions and the FTAA (and RMA) condition-setting framework"⁷⁵.
- 307 We address the detail of this response later. But notably, the final version of conditions offered by the Applicant included:
- New subdivision consent condition 1AA that establishes a management entity comprising the consent holder and the owners / occupiers of future lot to ensure compliance with ongoing conditions obligations; and
 - Removal of options to amend the building location and design limits that were embedded in the conditions. Rather, such proposed changes would be subject to separate s127 RMA processes.

⁷⁴ Memorandum: FTAA2504-1054 Ryans Road Industrial Development Applicant section 70(4) response to comments – planning; prepared by Clare Dale and Jeremy Phillips, 28 April 2028 [28]

⁷⁵ Ibid [24]

- Requirement for the additional aircraft safety assessment assessments to be completed before s224C RMA certification is obtained or otherwise before buildings are constructed.
- Clarification of the separation of the Civil Airways Part 77 authorisation from the obligations of the proposal under the resource consent conditions and relevant District Plan permitted activity standards.
- Deletion of the dispute resolution condition (21E) as requested by CIAL and Airways, while noting that the Applicant does not oppose its retention.

Minute 19

308 Minute 19 sought comment from the Applicant, CCC, CIAL and Airways on the wording of specific conditions addressing lighting, covenants, helicopter downwash, and the Industrial Park Management Entity proposed in the Applicant's Minute 17 response.
Christchurch City Council

309 As requested, CCC provided comment on the lighting and glare conditions, and the newly proposed Industrial Park Management Entity condition. The Council noted a useful addition to conditions triggered by the need for a building consent, noting that some construction activities of relevance may not require a building consent.

310 CCC also provide recommended additions to the Industrial Park Management Entity condition to improve its enforceability.

Christchurch International Airport

311 CIAL provided memorandum of counsel and a statement of evidence prepared by Mr Kyle.

312 CIAL clarified its position regarding the dispute resolution condition in relation to its preferred aviation safety assessment condition, the role of Civil Aviation Part 77, and the need for avoidance of water ponding on the Site. CIAL also responded to Dr Shelley's comments provided in his Minute 16 memorandum, including the scope and admissibility of some of his comments.

313 Mr Kyle provided evidence on the Universal Exterior Lighting condition, including the suggestion that it should apply to land use activities more broadly, rather than being restricted to buildings. He also provided feedback on the Glare condition, which in his opinion should include performance standards, the helicopter downwash condition, the aviation risk assessment condition, and the proposed Industrial Park Management Entity, raising concern about the vires of the condition. Notably, Mr Kyle did not support the deferral of changes to building location, height and orientation to s127 RMA processes on the basis that that process would not guarantee engagement with CIAL.

Airways Corporation of New Zealand

314 Airways provided a memorandum of counsel response to Minute 19. In this it addressed the lighting and glare conditions, noting that the Universal Exterior Lighting does not (but should) require consultation with Airways and CIAL, and that the proviso "as far as practicable" should be removed from the glare performance standard.

- 315 Airways also commented on the Industrial Park Management Entity condition, considering that is deficient and should be replaced by clear and enforceable conditions requiring consent notices or covenants.

Applicant

- 316 The Applicant provided a response prepared by Mr Phillips. That addressed the matters requested in the Minute, including a standard to include with Condition 9B (Glare) prepared by Mr Evans, a recommendation to require Condition 9A (Universal lighting) in a covenant, an updated list of land use consents that should be included by way of covenants, a helicopter downwash hazard condition, and an update to the environmental management plan condition.

Panel Findings

- 317 The matters addressed in this section are technically complex. Notwithstanding the relative imbalance in the number of technical assessments and statements of evidence we have received from the parties, we record our appreciation of all the information received. This has been critical to the evolution of our understanding and testing of issues.

- 318 In summary, and as expanded on below, we frame our findings on the following:

- The application is for an industrial development on rural zoned land. Notwithstanding Mr Phillips' most recent evidence regarding the permitted baseline (which we briefly address later) and recognising the requirements of the FTAA framework, the opportunity to transfer effects off-site to the extent that financial cost of mitigation is absorbed by external parties cannot be 'assumed'.
- The application comprises a type of development that could (if not appropriately located and designed) adversely impact the operation of Airways CNS systems, aircraft safety and airport operations.
- Aircraft safety is a critical matter that does not, of itself, require quantification in economic terms. Reduction of aircraft safety is an effect that should be avoided.
- Modification of aircraft safety systems can be costed in economic terms, albeit that in this case no estimates of such have been provided.

Any effects on the operation of the Airport in terms of efficiency, insurance, and any other contractual or regulatory issues would be a consequence of effects on CNS systems. Those matters could be costed in economic terms, albeit that in this case no estimates of such have been provided.

- Separately, the operation of the GCH helicopter facility was predicted to be impacted by the proposal. Those impacts, while not agreed in terms of significance, were identified by the Applicant, CIAL and GCH. They have not been costed.
- In the context of the technical assessments it has undertaken, the Applicant has provided conditions that it considers will ensure that impacts on Airways CNS

systems will be minimised to an “acceptable” level such that no modification of those systems will be required to maintain the current standard of aircraft safety at the Airport, and avoid adverse effects on Airport operations.

- The Applicant has also proposed conditions that it considers will provide a process to ensure ongoing operation of the GCH facility.

319 At its heart, the difference between the parties is that Airways and CIAL maintain that all possible impacts on CNS and Airport operations cannot be identified and quantified without a full aeronautical safeguarding study, while the Applicant considers that it has provided the necessary studies to ensure that the potential effects are sufficiently understood and mitigated by design, and will be ensured through conditions. We structure our findings on the following topics.

Permitted baseline

320 As is the case for our assessment of all relevant effects, the overall framework of the proposal is for an urban industrial scale and density development on rural zoned land. In that regard, we do not accept the applicant’s proposition that the proposal is consistent with the district plan. In terms of the scale and type of development proposed, it is entirely inconsistent with the rural zone. It would, if granted, be generally consistent with corresponding industrial zone provisions and it seeks to lock those in by way of reference through consent conditions. But it is not afforded any assumed rights in terms of the potential impact of an urban land use on neighbouring properties and activities. This is most acutely the case for the Airport and the function of the Airways CNS systems.

321 We address the matter of permitted baseline separately in this Decision (see Part C). This matter was raised by Mr Phillips in his Minute 14 response i.e. very late in this process. We accept that while general standards applying to the Rural Urban Fringe zone apply limitations on the scale and extent of buildings that could be constructed as of right on the property, glasshouses are an exception that could be of much more significant area. But to the extent that the Applicant has not relied on the permitted baseline in its AEE, assessments of effects undertaken by experts, previous planning evidence, or conditions, we do not adopt it in our assessment of aircraft safety matters.

322 For completeness, we have also considered the extent that the existing CDP airport protection overlays may have taken account of adjacent zoning at the time that they were promulgated i.e. do they apply to any adjacent land use or would they have been different if assuming an industrial development on the Applicant’s site. As we have noted, Mr Kyle raised this matter in his statement, saying “Those provisions were not developed on the assumption that development of this scale would occur in this location”. This matter is unresolved. Mr Kyle did not substantiate his statement with reference to text from the CDP or from material associated with the development of the relevant provisions. However, we confirm that our findings and Decision on the application is not dependent on determining that issue. Our approach to aircraft safety effects is one of ensuring that effects are ‘acceptable’ in aircraft safety terms. We are satisfied that the Applicant has also taken that approach. Below, we explain the significance of that effect.

Is an “acceptable” effect an appropriate outcome for aircraft safety?

323 As expressed by Dr Shelley at [34] of his supplementary statement,

‘Acceptable’ is a defined and conservative risk threshold used internationally in aviation regulation, and it is materially different from a planning judgement about whether an effect is merely tolerable. In the aviation context, the term ‘acceptable’ means that risk is “As Low As Reasonably Practicable” (ALARP) and does not exceed defined safety targets established by international aviation standards (e.g., ICAO EUR Doc 015). At the same time, ALARP does not mean that risks are nil. To achieve nil risk in the aviation context it would be necessary to ground all flights: not a single flight would ever be allowed because there is always some level of risk. The “Reasonably Practicable” part of the ALARP definition also requires that the costs of risk controls are not grossly disproportionate to the risk – a standard that is also embodied in the Health and Safety at Work Act 2015. I stand by my conclusion that the effects I have assessed are acceptable, in that context.

324 We identified this distinction in our review of referenced documents⁷⁶. It is helpful to have it confirmed. The Applicant’s technical assessments find that the effects on the CNS systems will be ‘acceptable’. Mr Phillips relies on those assessments in his AEE and evidence, aligning that with ‘no more than minor’ in EMA terms. We acknowledge the context that the term ‘acceptable’ has been adopted by the specialist technical experts engaged by the Applicant. In that regard, we refer to the following statements from the Applicant’s experts.

Dr Shelley at [36]:

With reference to the classification of effects as set out in Table 1 of the AEE, and accounting for the mitigation or remediation achieved by way of the proposed consent conditions, it is my opinion that any potential adverse effects related to aviation matters will be at most be ‘minor’, insofar they ‘are noticeable but not at a concerning level, and mitigation or remediation may not be necessary’.

Mr Hargreaves at [26]:

With reference to the classification of effects as set out in Table 1 of the AEE, and accounting for the mitigation or remediation achieved by way of the proposed consent conditions, it is my opinion that any potential adverse effects related to aviation matters will be either ‘minor’, insofar as they ‘are noticeable but not at a concerning level, and mitigation or remediation may not be necessary’ or ‘less than minor’ insofar that they ‘are discernible but too small to have any meaningful impact’.

Mr Birmingham at [28]:

Based upon the above scales, and given the additional, and what I view as effective, protections afforded by proposed Conditions 21D and 21E (in regard to GCH operations and CNS performance), I consider that the proposal’s actual effects will be ‘minor’.

Mr McPherson at [21]:

With reference to the classification of effects as set out in Table 1 of the AEE, and accounting for the mitigation or remediation achieved by way of the proposed consent conditions, it is our

⁷⁶ ICAO EUR DOC 015. CAA Advisory Circular AC139-8: CAA Advisory Circular AC139-15.

opinion that any potential adverse effects on air navigation equipment will be 'less than minor' insofar that they 'are discernible but too small to have any meaningful impact'.

- 325 Based on this expert advice, as well as our own review of CAA AC139-015, we find that “acceptable” in the context of the of aviation safety terminology, can be relied on as an appropriate outcome to ensure the ongoing safe operation of the CNS systems at the Airport. We comment below on whether we are satisfied that the approach proposed by the Applicant will achieve that outcome.

Will CAR Part 77 sufficiently engage all potential effects?

- 326 The parties have disputed the function of CAR Part 77 in relation to the effects of the development of aircraft safety.
- 327 It is undisputed that penetrations of protection surfaces and exceedances of lighting controls during construction would trigger a Part 77 authorisation. It is also apparent that such an authority may impose management restrictions on the party undertaking the work and / or some temporary restrictions on the Airport.
- 328 The relevance of Part 77 to post-construction effects on the CNS system or the GCH heliport caused by buildings is more complex. Based on submissions and evidence received, it is apparent that where a legally authorised activity (such as the completed industrial development) results in adverse impacts on the CNS or the GCH heliport, the obligation sits with Airways or CIAL to undertake actions to address the effect to either maintain the current level of service or seek CAA authorisation for a modified level of services. Either option could, either temporarily or permanently, impact of Airport operations and various regulatory and other contractual requirements.
- 329 Part 77 prescribes rules for persons proposing to:
- (1) *to construct or alter a structure that could constitute a hazard in navigable airspace; or*
 - (2) *the use of a structure, lights, lasers, weapons, or pyrotechnics, that could constitute a hazard in navigable airspace.*⁷⁷
- 330 It infers a legal requirement on the Applicant to notify the Director of Civil Aviation to penetrate protection surfaces⁷⁸ specified in the regulation during construction⁷⁹. On receipt of the notification “the Director must conduct an aeronautical study to determine whether the specific proposal, if executed, will constitute a hazard in navigable airspace”⁸⁰. That process will engage CIAL and Airways. The Director may impose conditions on the Applicant where an activity is determined to be a hazard. As a result, we find that the Part 77 process will concurrently and separately address potential effects of protection surface penetrations during construction. We do not consider that the consented development ‘relies’ on Part 77 to control effects. The conditions of consent as now imposed in our final decision do independently address effects of height in relation to construction, buildings and other structures, and otherwise reinforce the Part 77 requirements. They include hold points that will be subject to approvals.

⁷⁷ Part 77.1(a).

⁷⁸ In addition to other general height limits imposed in the regulation.

⁷⁹ Noting that no protection surfaces are proposed to be penetrated by permanent buildings and the conditions to not provide for that to occur.

⁸⁰ Part 77.17

- 331 We accept Mr Grimm's statement that relying on Part 77 as a trigger for additional aviation safety assessments, as proposed in some conditions, will not necessarily require such an assessment for building bulk and / or reflection impacts on CNS systems. We also accept Mr Grimms statement that "Part 77 does not confer on the Director a direct administrative power to compel a private landowner to stop construction, modify a building, or remove an obstacle. Instead, the burden would be on Airways / CIAL to make operational changes to their infrastructure as result of the Application, to ensure aviation safety". Accordingly, while we acknowledge the Applicant's current intent to ensure that any unacceptable effects (in aeronautical terms) are avoided, we have made amendments to conditions to ensure that the additional studies proposed are not reliant on Part 77 triggers. We also support and adopt the Applicant's Minute 17 response proposing deletion of conditions that would allow consideration of alternative building orientations and heights that differ from those presented in the consented documentation. We further discuss this later.
- 332 In his memo provided in the Applicant's Minute 17 response, Dr Shelley did not support changes to land use consent Condition 4 sought by CIAL and Airways. That condition limits the activities that can be undertaken on the future lots. Subject to clauses b. and c., clause a. of the condition limits activities to those provided for under the CDP Industrial Zone. For the avoidance of doubt, Clause b. reiterates the exclusion of specific activities in accordance with the CDP. Clause c. excludes activities if those activities would generate adverse impact on aircraft safety. As originally drafted, that clause was limited to activities within the airport designation. It was intended to operate in conjunction with the other clauses and other conditions, noting that no development within the designation is included in this consent. In their Minute 16 response, CIAL and Airways sought to broaden the clause restriction to the entire development site. In its Minute 17 response the Applicant did not support that change. In his corresponding memorandum Dr Shelley did not consider there to be an evidential basis to support such an extension.
- 333 We find that clauses a., b. and c. are complimentary. The activities that are variously prohibited and provided for outside the designation, and associated effects, are appropriately managed through clause a., clause b. and various other consent conditions. Clause c. provides certainty regarding the prohibition of activities and effects within the designation, where no direct development is proposed.
- 334 However, the wording of the condition and as promoted by CIAL and Airways uses 'may' and 'could' in relation to effects. "May" is an enabling word and is not appropriate in this context. "Could" introduces uncertainty to activities that might otherwise be able to be located and managed to avoid the effects of concern. Therefore, the panel has adjusted the wording so that it directly addresses the avoidance of effects. We also adopt some of the wording offered by CIAL and Airways, which add specificity to the activities and effects of concern.

Sufficiency of the technical assessments undertaken

- 335 Mr Grimm and Mr Roberston were clear in their expectation of a full aeronautical safeguarding study that should have occurred prior to lodgement of the FTAA application. We have noted earlier the seven structured steps that Mr Grimm outlined as required for a full aeronautical safeguarding study. He acknowledged that not all proposals needed to apply all steps, but we accept that he did not imply that this proposal should be exempt from all steps. His reference was to small or more distant proposals.

336 Mr Robertson has made us very aware of the various critical issues associated with maintaining aircraft safety, and the procedural and operational implications for the Airport of any modification to the current CNS systems.

337 Mr Grimm, Mr Robertson and Mr Kyle considered that the early and ongoing engagement of Airways and CIAL through a full aeronautical safeguarding study is necessary and a critical gap in the process undertaken by the Applicant. We note that Mr Kyle stated that advancing the application as it has been through the FTAA process "has meant that the substantial risk issues identified by CIAL and Airways remain unexamined in sufficient depth by the arbiters of such matters."

338 We now have before us multiple statements of evidence, supplementary statements and memos from appropriately qualified and experienced experts prepared on behalf of the Applicant, regarding the potential impacts that the proposed development might have of the CNS systems and operation safety of the Airport and the GCM facility which is within the Airport. Those statements progressively refined and clarified the conclusions made by those experts. The statements and evidence received from Airways and CIAL has led to that progressive refinement and clarification.

339 Mr McPherson at [7] of his Minute 14 response considered the first three steps to be the industry best-practice desk-top study requirements that occur prior to any modifications being undertaken on the subject site. He considered that the approach taken for this proposal was consistent with those steps. He also noted that at [8]:

(c) *The 'engineering' and other checks by Airways that Mr Grimm claims need to occur could only entail further refinement of modelling once final design details (such as materials and construction methods) are known, using the same modelling techniques already applied. In the absence of any identified methodological deficiency, there is no technical basis to expect a materially different outcome.*

(d) *The modelling uses a "perfect reflector" and maximum built form (impossible worst-case) scenario and thus the actual development outcome will be inherently safer.*

340 At [7] of his Minute 14 response, Dr Shelley queries how empirical testing to verify the modelling conducted by Cyrrus could occur before construction. He also notes that:

(a) *real world testing would show reflections less than a perfect reflector, (b) rotation of a flat surface is a known way to reduce radar reflections – this is the reason for the angled surfaces on the F117 stealth aircraft, (c) rough surfaces reduce reflections, and (d) surfaces such as wood and composites reduce reflections (the radar waves pass through them). For those same reasons I would be very surprised if empirical testing of reflections from a structure conforming to the proposed consent conditions would produce reflections as strong as those modelled. This is a situation where the 'perfect' assumptions of physics models creates a genuinely worst-case outcome that will not be exactly replicated in the real world.*

341 We accept this proposition. His and the other technical assessments have been clear to identify the worst-case scenarios applied, and how residual effects that result from those are 'acceptable' in aviation safety terms. They also state that the worst-case scenarios will not eventuate, given various options available in terms of building design and construction. As a matter of logic, if the first three steps are based on worst-case assumptions, the refinement will not result in effects greater than those already identified.

342 To the challenges raised by Mr Grimm regarding the risk of impacts on the ILS glidepath approach system, in his Minute 14 response Mr McPherson reiterates that the “modelling shows that once the building is rotated as proposed, disturbance is negligible and does not affect flyability” [10]. Mr McPherson has also addressed this point in his earlier statements, memos and reports.

343 To the challenge on the unacceptability of interference with DME coverage across any part of an aircraft approach path⁸¹, in response to our question in Minute 13, Mr McPherson stated:

In all cases, aircraft are under the visual control of the pilot during the final 0.5 nautical mile of the approach, including the final approximately 85 metres of approach where the modelled interference intersects the approach path. DME information is only used prior to passing the DVOR/DME site (i.e. to the south), and there is no reliance on DME during the visual segment of the approach to landing.

344 In their Minute 14 responses, Mr McPherson and Dr Shelley reiterated their earlier conclusions, based on the flight path of an approaching aircraft only intersecting the area of interference in the final 85m of approach. Both Mr McPherson and Dr Shelley emphasised that that point is beyond the point an aircraft passes the DEM and beyond the point that an aircraft would have decided (if necessary) to execute a ‘missed approach’ procedure⁸². At [13] Dr Shelley states that:

At this point the pilot is not referring to the ground-based radio navigation aids because they are simply irrelevant to the task at hand. Once the aircraft has been reconfigured and the climb established then the pilot may once again become interested in the DME, but by this time the aircraft is well clear of the aerodrome.

345 Dr Shelley also provided at Attachment 3 copies of the relevant pages of AIP that show the approaches for RWY 02 that utilise the DME. At [15] he states that:

there is no point at which an aircraft would be relying on the DME and flying through the area of interference.

346 For ILS glidepath disturbances, as previously noted, Mr McPherson has not proposed any degradation of the ILS category and does not rely on that as mitigation in his assessment. He reiterates in his Minute 9 statement that that such effects will be mitigated by rotation of buildings as he has recommended and as required by consent conditions.

347 With respect to radar, initial comments made by experts for the Applicant, while not considering modification would be necessary, did identify what they considered to be relatively simple and available technical measures (such as lifting beams or code remove) that could address any residual reflection effects from ground obstacles. Mr Grimm confirmed that the assumption regarding ‘code remove’ was incorrect. That capability does not exist for the Christchurch radar equipment. Nor did he consider it a helpful measure as “reducing sensitivity to local buildings would also reduce sensitivity

⁸¹ And the need to avoid any interference, based on the requirement of the New Southern Sky agreement between the CAA, the Ministry of Transport and Airways that Airways provide primary radar coverage for Christchurch Airport, as an agreed contingency, because it is independent of satellite-based navigation systems.

⁸² If they do not have sufficient visibility to switch to a visual approach or because they are instructed by Air Traffic Control to execute a missed approach.

to aircraft". At [10] of his Minute 14 response, Dr Shelley acknowledged the technical benefits of ADS-B radar system that has been utilised by Airways at the Airport and explained his earlier comments on its cost benefits being based on existing CAA documents and an associated 2020 Cabinet paper approving it. In his Minute 14 response Mr Bermingham notes that alternative options to code remove are available. He does not detail what those are but we acknowledge other technical evidence regarding the orientation, location, size and cladding of buildings that reduce reflections. On the basis of the evidence presented and conditions proposed (with modifications that we discuss later), we are satisfied that the Applicant is not relying on Airways to modify its radar systems to maintain the existing level of function and aircraft safety.

- 348 We have described the evidence and other statements we have received in detail earlier in this section. It has been extensive. Mr Grimm and Mr Robertson have raised concern about process and uncertainty, where-as Mr McPherson and other experts have based their conclusion on specific desktop analysis and modelling based on the proposal, and then re-modelling changes to the proposal to address initial residual effects. We do not intend to discount the knowledge and experience that Mr Grimm and Mr Robertson have with regard to the operation of the Airport systems. But in general, they have not identified specific deficiencies in the assessments undertaken to date. Where challenges were made against the assumptions used in the modelling, those matters were directly refuted by the Applicant's experts, and in particular Mr McPherson.
- 349 We take great caution in our findings and we do not dispute Mr Grimm's statement that for aircraft safety, "The system must work within clearly defined parameters where the limits are known not claimed, tested not assumed, and confirmed not inferred". Based on the evidence received from the Applicant, including the proposed conditions, we are satisfied that this has been achieved in the context of the consenting phase of the development. We are satisfied that the potential effects on the operation of the Airways CNS systems will be 'acceptable' in aircraft safety terms, and 'minor' to 'less than minor' in RMA terms. We are satisfied that the development can be undertaken such that it will not result in an adverse effect that will require modification of the aircraft safety systems for aircraft approaching and departing the Airport runways. Correspondingly, it will not result in general operational effects on the Airport. We comment on the GCH operation separately.
- 350 Airways and CIAL contend that a full aeronautical safeguarding study should have been adopted such as has been applied to some other proposals, using the adjacent solar farm, the siting of the GCH facility and the Meridian wind farm in the Tararua Range as examples. Mr Bermingham replies that it is unusual for a development such as that proposed to adopt that same approach.
- 351 CIAL and Airways provided a revised aircraft safety condition in their Minute 16 response, which would require a full aeronautical safeguarding study to be completed prior to s224(c) certification of the lots.
- 352 The question for us is whether the absence of this full study prior to development occurring on the individual lots creates a critical gap in identifying, quantifying and mitigating potential effects on aircraft safety and Airport operations. In our finding it does not, subject to the implementation of the conditions proposed (and subject to our amendments). Those conditions are based on, and seek to give effect to, the technical assessments undertaken for the Applicant. Those assessments, and subsequent responses provided through this consenting process, have refined such effects down to

an acceptable level in aircraft safety context. The Applicant's aircraft safety experts consider a number of the conditions proposed to be unnecessary and additional to what is required to ensure that aircraft safety effects are appropriately avoided or minimised. Nonetheless, these were adopted by the Applicant to achieve what it considers to be additional surety of outcome. As we note elsewhere, in its Minute 17 response the Applicant has further modified conditions to remove the opportunity to deviate from the consented building orientations and heights. This further strengthens the certainty of outcomes. We find that the full study requested by CIAL in its comments and as proposed through its offered condition is not necessary to ensure the protection of aircraft safety and airport operations.

Will the proposal avoid or sufficiently minimise effects on the GCH operation?

- 353 We have identified that the critical potential impact that the development may have on the GCH operation is to the emergency landing approach path. We also respond to concerns raised regarding reverse sensitivity effects and downwash hazard.
- 354 GCH and Mr Robertson in particular, provided background to the establishment of the GCH facility, and its functions. Its operation included landing and take-off for a range of helicopters, many (and potentially most) of which are not Class 1 helicopters. Thus, the construction of structures within the eastern and north-eastern portion of the Applicant's site could impact emergency landing flight paths which are required to be clear of obstructions.
- 355 Mr Robertson stated that impacting the emergency landing approach would likely constitute a 'significant change' under CAR 139.131. As we have noted earlier, CAR 139 imposes obligations on the holder of an aerodrome operator certificate to establish procedures to ensure aircraft operations are restricted or prohibited where unsafe conditions may exist and monitor operations and conduct an aeronautical study for any "significant change" that may affect the safety of aerodrome operations. At [46] of his statement Mr Robertson noted that "a forced landing event is statistically infrequent, but within aviation safety management systems it is treated as a high-consequence scenario. The preservation of suitable emergency landing areas, as contemplated by Advisory Circular 139-8, is a primary mechanism for managing that consequence risk."
- AC139-8
- 356 Mr Bermingham for the Applicant considered that Civil Aviation Rules are mandatory and must be complied with, whereas Advisory Circulars specify an acceptable means of compliance and also provide general guidance for complying with the relevant rules. AC139-8 is directed at 'aviation participants' who are Aerodrome operators or heliport operators. The AC is not directed at parties who are not 'aviation participants' such as parties developing land outside an aerodrome. Mr Bermingham stated that the requirements of AC139-8 should be given significant weight on the basis that the Director of CAA has established this as an acceptable means of compliance with the associated rule – namely CAR Part 139.⁸³
- 357 Mr Bermingham considered the requirements of advisory circular AC139-8 will be met because the proposed constraints (conditions) on development, including new condition

⁸³ Bermingham supplementary evidence 12 March 2026 at [7](a)-(c).

21D now provides for more detailed assessment of the risks potentially created for helicopter operations from and to GCH heliport by that part of the development site immediately south of the GCH heliport as well as the potential risk of helicopter downwash.⁸⁴ That view was supported by Dr Shelley for the Applicant.⁸⁵

- 358 Mr Robertson for CIAL considered that Advisory Circular 139-8 provides guidance as to what would be an “acceptable means of compliance” with CAR Part 139-8 in the period leading up to the establishment of a heliport. It does not provide the primary framework for assessing the operational consequences of adjacent development affecting an established heliport. AC-139-8 emphasises the importance of maintaining suitable forced landing areas and unobstructed approach and departure paths. The potential reduction in forced landing area availability identified in the Applicant’s assessment indicates those considerations may be affected.⁸⁶

Guideline H

- 359 Mr Bermingham and Dr Shelley for the Applicant considered that Guideline H should be afforded limited weight. Mr Bermingham noted that:⁸⁷

- (a) It was developed within the Australian regulatory context and is not referenced by New Zealand legislation or regulations.
- (b) The GCH heliport does not meet the criteria for a strategically important helicopter landing sites (HLS) as set out in Guideline H, and
- (c) The GCH heliport is located on an aerodrome and Guideline H is concerned with “an area (not located on an aerodrome) wholly or partly used for the arrival or departure of helicopters”.

- 360 Mr Bermingham and Dr Shelley assessed the GCH heliport as not meeting the stated criteria for strategically important heliport under Guideline H. Even so, Mr Bermingham and Dr Shelley considered that the proposal takes into account all relevant guidelines in Guideline H and the proposed constraints (conditions) on development, including new condition 21D proposed by the Applicant address the relevant guidelines.⁸⁸

- 361 Mr Robertson for CIAL considered that Guideline H ought to be considered here because:⁸⁹

- (a) Having regard to its operational role described above, the GCH heliport exhibits the characteristics of a strategically important helicopter landing site as described in Guideline H; and
- (b) The proposal involves development within the operational environment of that heliport, including beneath established helicopter approach and departure paths.
- (c) I understand that GCH is investigating the potential introduction of instrument flight procedures, which would further increase the importance of safeguarding

⁸⁴ Ibid at [10].

⁸⁵ Dr Shelley supplementary evidence at [14]-[17].

⁸⁶ Robertson evidence at [58]-[59].

⁸⁷ Bermingham supplementary evidence at [11](a)-(c).

⁸⁸ Bermingham supplementary evidence at [12]-[13]; Dr Shelley supplementary evidence at [22] and [23].

⁸⁹ Robertson evidence at [63].

the heliport's operational airspace in a manner consistent with the principles set out in Guideline H.

362 Mr Robertson noted that Guideline H emphasises the protection of helicopter approach and departure paths, preservation of suitable emergency and forced landing areas, and early engagement with heliport operators where development may affect operational airspace. Mr Robertson considered that, based on the information presently available, it is unclear whether those matters have been comprehensively evaluated in the Applicant's assessment. In Mr Robertson's experience, these issues would ordinarily be addressed through an aeronautical study when considering development adjacent to an operational heliport of this nature.⁹⁰

363 Mr Robertson considered that the proposal is not well aligned with the safeguarding principles Guideline H articulates because:⁹¹

- The Applicant's own assessments acknowledge that the proposal would result in the loss of existing straight-ahead emergency landing areas to the south of the GCH heliport;
- Guideline H discourages incompatible development beneath helicopter flight paths, particularly where those paths support time-critical or emergency operations;
- Guideline H recognises the risks of incremental encroachment that progressively erodes aviation safety margins; and
- Guideline H emphasises the importance of early engagement with heliport and airport operators so that safeguarding considerations can be incorporated at the design stage.

364 While this point was contested by the Applicant and in particular evidence provided by Dr Shelley, we are satisfied that the GCH facility provides services that meet the general intent of a Strategically Important Helicopter Landing Site under NASF Guideline H, even though the facility itself may not meet the strict definition of a strategically important heliport under Guideline H. Services provided for by the GCH operation include Canterbury emergency services and supporting Otago-based emergency services. Our consideration includes the responses that the Applicant's experts have provided in response to Minute 14. Accordingly, we accept that statements made by Mr Robertson and GCH that NASF Guideline H and AC139-8 are relevant to the management of operations at the site, and must be given significant weight in the consideration of the proposal. The Guideline H principles are consistent with recognised aviation safeguarding practice including the protection of approach and departure paths and the importance of consultation in relation to strategically important helicopter landing sites. These principles are relevant to the GCH site. For the reasons discussed below we find the requirements of advisory circular AC139-8 and Guideline H will be met because the risks potentially created by that part of the development site immediately south of

⁹⁰ Ibid at [64].

⁹¹ Ibid at [65]-[69].

the GCH heliport will be adequately managed by development design controls and through the proposed and amended conditions.

- 365 The potential impact on GCH has been a matter of particular concern to the Panel. The initial recommendations provided by Mr Bermingham that an alternative approach or even division to an alternative location troubled us. The functional impact of such changes, and the potential effect of such changes on other properties was not addressed in the Applicant's evidence but was raised as matters of particular concern by GCH and CIAL.
- 366 Since the initial aircraft safety assessment submitted in response to comments, this matter has advanced to the point that a condition (21D) has been proposed to provide further assessment and provision for emergency landing approaches. The condition requires the provision of an aviation risk assessment prior to building work occurring on Lots 71, 91, 92, 121 and 122, being those lots located within what the Applicant refers to as the 'Controlled Area' recommended by Mr Bermingham in his original Aviation Safeguarding Assessment provided in the Applicant's Response, being the descent plane of the approach path. The aviation risk assessment must identify:
- For Lots 71, 91, 92 and 121- Acceptable building footprints, heights, and positions so as to ensure safe emergency landing capability for Garden City Helicopters.
 - For Lot 121- Management of helicopter downwash hazards.
 - For Lots 121 and 122- Acceptable building footprints, heights, and positions so as to avoid or mitigate wind shearing.
 - For Lots 121 and 122 - Acceptable building footprints, heights, position, materiality, and facade angles so as to avoid or mitigate effects on air navigation equipment.
- 367 The condition requires consultation with CIAL and submission of the draft report to CIAL and GCH for comment before being finalised.
- 368 We are satisfied that if the purpose of the condition is to ensure the ongoing provision of an emergency landing approach path that meets relevant CAA requirements and does not divert that approach to airspace over other properties, then that appropriately addresses that primary concern raised by CIAL and GCH. To strengthen the certainty of that outcome, we have identified additions to the conditions that we consider necessary to appropriately minimise the effect of development on the GCH flight path. These are provided as amendments to the conditions provided in **Appendix 1** of our Decision and adds the inclusion of "all helicopters" using the GCH facility, as the critical matter is for single engined helicopters.
- 369 Proposed Condition 6 also imposes additional controls on Lots 121 and 122 associated with wind shear and CNS reflections, and also control area, height and location of buildings. We provide further comment on that condition later but here note that it is a component of the controls imposed by conditions to minimise effects to an acceptable level.
- 370 Subject to the amendments noted above and discussed later, we find that the proposal will sufficiently minimise impacts on helicopter landing and departures from the GCH site and will not result in significant alteration of the site operations.

371 GCH also raised concern about the potential reverse sensitivity effect that could be caused by occupation of buildings under the FATO and TLOF. Dr Shelley addresses this, identifying that the distance of the GCH TLOF to the development, with the closest point being at Lot 121, approximately 187.7m from the centre of the TLOF and with actual building locations being determined through Condition 21D. Given that the GCH operation is an existing legally established facility, and the exclusions of use of the future lots imposed by proposed Condition 4, we consider that reverse sensitivity regarding helicopter noise does not require any further assessment or control through conditions. In particular, the Condition excludes residential activities and units, education activities, and mass assembly of people.

372 GCH raised concern about downwash hazard from its operations disturbing materials located within lots, including during construction. The Applicant has included a condition requiring a covenant be issued by the Council on Lot 121 alerting owners to the hazard. We accepted this as appropriate but requested in our draft decision that the Applicant add technical guidance to the respective advice note to improve awareness and compliance with that hazard mitigation. On receipt of Minute 16 responses from CCC and CIAL / Airways, and the Applicant's Minute 17 response, we further requested that the advice note be recast as a condition so that it is enforceable. The Applicant's response to Minute 19 included the downwash hazard advice note as a condition and we comment further on that later.

373 Proposed condition 26(b) requires measures to be included in the Environmental Management Plan to including procedures for securing materials and objects to prevent windblown debris or hazards to aircraft and dust management. Proposed Condition 22 requires the location and management of stockpiles to be included in the Erosion and Sediment Control Plan. We note that at present, a stockpile has been indicatively located adjacent to the GCH boundary. That position can be reviewed through the plan development and certification process. We have amended that condition to explicitly state that "Stockpiles must be located to avoid being impacted by helicopter down wash or cause other risk to aircraft safety". This inclusion provides certainty of outcome through the certification process.

374 Subject to the amendments to conditions noted above, we find that the effects on the GCH operation will be appropriately minimised such that any modification of activity on the site will be minor and within the scope of its existing operations.

Will the risk of bird strike be sufficiently minimised?

375 Potential increase in bird strike risk is another matter of significance to CIAL. As we have noted earlier, the Applicant has undertaken an avifauna assessment and progressively developed a draft WHMP. The Applicant sought initial feedback from CIAL and has also responded to the comments provided by CIAL's expert. It has sought alignment with CIAL's broader WHMP, which manages off-airport hazards.

376 Ms Civil for the Applicant considered that the current version of the WHMP adopts best-practice approaches and is satisfactory. Nonetheless, it is to be updated and submitted for certification prior to construction in accordance with Condition 109. That process is to provide CIAL and in particular their suitably qualified Ecologist specialising in Avifauna and Wildlife Manager an opportunity to participate in further consultation with the Consent Holders suitably qualified Ecologist / Avifauna expert. The condition explicitly lists the matters to be addressed in the updated WHMP, which are consistent with the existing document. The certified WHMP is to be implemented during and post

construction. Consent notices are required to be placed on each Lot to require the WHMP by each lot owner / operator.

377 We have addressed the proposed changes to stormwater treatment design elsewhere in Part E of our Decision. There we find that the currently proposed design will appropriately minimise the period of temporary water ponding within Lots 200 and 201, and otherwise avoid ponding on completed development lots. This approach aligns with the draft WHMP.

378 We noted earlier that CIAL considers that the potential for increased bird activity and associated bird strike risk cannot be meaningfully assessed in isolation from other aviation safety matters. In the context of our conclusions on other aircraft safety effects, we find that that outcome has been achieved.

379 We have carefully considered the responses received from parties on our draft decision. As we detail later, we have accepted some of the modifications offered by the Applicant in its Minute 17 and Minute 19 responses with respect to reference and inclusion of the WHMP in additional conditions. We find those modifications to be consistent with the matters raised by CIAL and Airways, and will ensure that the requirements of the WHMP are integrated across all construction and operational phases of the proposed development.

380 We are satisfied that bird strike risk will be minimised to an acceptable level by the development design, implementation of the WHMP and compliance with the proposed conditions.

Will adverse impacts of lighting and glare be acceptable?

381 We address lighting and glare effects in elsewhere in Part E. We find that those effects will be appropriately minimised by design and conditions such that they are acceptable and will not require any modification of Airport activities.

382 The management of lighting effects is further addressed in comments received to Minute 16, 17 and 19. We discuss those later.

Will temporary construction effects be acceptably minimised?

383 Temporary construction effects associated with earthworks are addressed in elsewhere in Part E. We find that those effects will be appropriately minimised.

384 Any temporary penetrations of protection surfaces will be managed through a CAR 77 process. These requirements are addressed in various conditions which require compliance with airport protection surfaces unless otherwise authorised.

385 The Environmental Management Plan and Erosion and Sediment Control Plan are both required to also address control of matters associated with potential effects on Airport and GCH operations.

386 We find that the compliance with the proposed conditions will appropriately minimise temporary construction effects on aircraft safety and Airport operations.

Are the proposed conditions sufficient to ensure the 'acceptable' outcome?

387 Mr Kyle in particular raised concern about the appropriateness of deferring control of aircraft safety matters to conditions. At [20] he noted the proposed condition 21E dispute resolution process and considered that to be “fundamentally antithetical to the collaborative process encapsulated in a true aeronautical study” signalling the lack of collaboration that would be typically expected through an appropriate approach. At [28] Mr Kyle acknowledged the procedural steps imposed by the Applicant’s most recent set of conditions. However, he did not consider them to resolve the “underlying and foundational information gaps regarding risk”. Nor did he consider that Council could appropriately certify compliance with those conditions as they relate to aircraft safety, given its lack of specialist knowledge on that issue

388 The points raised by Mr Kyle have also been included in submissions received from CIAL and Airways and have been ‘front of mind’ to us throughout our consideration of the application. Based on our discussion and findings on technical matters above, we are satisfied that the conditions do not seek to fill “foundational information gaps”. Rather, the information before us confirms that aircraft safety effects can be reduced to an ‘acceptable’ level in aircraft safety terms such that modification of Airport functions will not be required to maintain the existing level of CNS and Airport operations. The requirements of the conditions offered by the Applicant will ensure those outcomes are achieved through additional assessment and confirmation, and imposition of relevant requirements on future lot owners through covenants and consent notices. It is also relevant that the Applicant’s experts do not consider that the additional aircraft safety assessment proposed by these conditions are necessary to ensure their assessed outcomes.

389 Nor do we consider that the Condition 21E dispute resolution process indicates any deficiency in the conditions or significant information gap. The additional aircraft safety assessments required by condition 21E would be highly technical. The dispute resolution process is an appropriate mechanism where parties are not in agreement of a study outcome.

Comments on conditions and summary of consideration of Minute 17 and Minute 19 comments

390 In our draft decision, we provided commentary of specific aircraft safety conditions to which we made amendments, or sought further comments and amendments from parties. That draft decision is a matter of record, and we do not repeat that discussion in this final decision as the format and content of the conditions has now been advanced through comments received in response to Minute 17 and Minute 19. In the previous sections of this report we have included discussion on the various matters included in comments received from parties in response to those Minutes. Overall, we found those comments to be helpful.

391 The condition sets now before us have been subjected to multiple and interactive amendments and additions since first included in the substantive application on which comments were sought via Minute 3 on 18 August 2025. This is in part due to the requirements of the FTAA, and in part due to the nature of issues that have arisen and the approaches adopted by the Applicant and parties. As a result, and in particular with respect to aircraft safety and airport operations, we have a highly complex set of conditions that have been progressively backloaded in response to issues raised. This has resulted in inconsistency in style and format between conditions, and has required us to undertake very careful forensic consideration of how they function and the

certainty of outcomes that will be achieved. We record that since receiving final comments from parties and the Applicant in response to Minute 19, we have made refinement of various conditions to better reflect their intent, internal consistency, and ability for the Consent Holder and regulators to implement and enforce compliance. We have been careful to avoid changing the primary intent or function of conditions.

392 Below we provided specific commentary on various conditions now imposed. But first, we respond to a matter raised by CIAL in relation to Dr Shelley's Minute 19 Supplementary Statement of evidence dated 28 April 2026. We agree with CIAL and had independently noted that some of the statements made by Dr Shelley were beyond his stated field of expertise and do somewhat step into the realm of advocacy. We have taken these matters into account when assessing the weight to be accorded to parts of Dr Shelley's evidence. The Panel confirms that at no time has it considered the aircraft safety and operational matters of concern raised by CIAL to be influenced by "competing commercial interests" as suggested by Dr Shelley. The matters raised by CIAL are of a technical nature, have been accepted by us as such, and responded to by the Applicant through the various statements of evidence and memorandums provided by its experts. The Panel would have preferred that Dr Shelley limited his statements to those matters that are clearly within the scope of his professional expertise and role.

393 In the context of our concern above, we confirm that we are satisfied that Dr Shelley does hold significant and relevant technical expertise and experience. We have considered his technical assessments in that light, but also within the framework of the technical assessments provided by other aviation safety experts for the Applicant. In that context, his assessments have been aligned with those other experts. Where we have disagreed with, or modified the approach promoted by Dr Shelley, we have explained that in the previous sections of this decision. We also note that despite Dr Shelley emphasising that he considers a number of the conditions offered by the Applicant to be unnecessary, the Applicant has adopted them.

394 The Applicant provided various amendments and additions to the sets of conditions; primarily the land use and subdivision conditions. Some of these amendments are minor and editorial, and have been accepted without further comment. Other amendments and additions are more substantive as detailed below. We also record that we support the inclusion of the additional aircraft safety conditions offered by the Applicant. While we are satisfied that the technical assessments provided confirm that the development can appropriately minimise effects and avoid adverse impacts that would reduce aircraft safety and helicopter operations, we do not consider those additional conditions to be unnecessary. They are components of an integrated suite of conditions that together ensure the outcomes assessed and sought by the Applicant will be achieved, and they appropriately respond to matters raised by commentators.

Land use consent

New Condition 3A

395 We have added new condition 3A as follows:

For the avoidance of doubt, the development and associated activities authorised by this consent must not:

- a. *result in any change in performance of the communication, navigation and surveillance equipment operating at Christchurch International Airport, to an extent that would comprise*

aircraft safety and / or necessitate a modification of that equipment to maintain its current standard of performance; or

- b. result in any other unacceptable effects on aircraft safety and / or necessitate a modification of legally authorised aircraft operations at the airport, including use of the heliport operated by Garden City Helicopters ("GCH heliport").*

The implementation of all other conditions must give effect to this condition.

396 The intent, design and conditions, as refined during the consent process, are based on avoiding effects on legally established aircraft safety and airport operations that would necessitate a change in those operations or upgrade of existing CNS facilities.

397 The Panel considers that a single guiding outcome condition assists in the interpretation and implementation of all other conditions associated with aircraft safety and airport operations. It will also assist in considering any future s127 RMA changes to building orientation or height. The new condition 3A is imposed by the Panel that replaces outcome chapeaus, clauses and advice notes previously included in other conditions. Importantly, the Panel does not consider 3A to be a precedent condition that addresses any material gap in information or could otherwise frustrate the development provided for by the consents. The Panel is satisfied that it has received sufficient evidence to confirm that the design of the proposal and the various conditions now imposed will ensure the outcomes imposed by Condition 3A.

Condition 4 Restrictions on activities

398 We discuss this condition earlier in this report.

399 We do not accept CIAL's request to broaden the full scope of this condition to the entire development site. We find that the clauses of the condition are complimentary.

400 We do incorporate some of the additional wording requested by CIAL for the Clause c. subclauses. Those inclusions add specificity to the restrictions of the conditions.

401 We do not retain the use of 'may' or 'could' in the condition. Those words introduce significant uncertainty of activities that might be acceptable.

Condition 6 Lot specific building controls and Condition 7 Buildings and structures

402 The Applicant has proposed adding 'structures' into the title of Condition 7 to recognise other physical items that could penetrate protection surfaces. We accept that addition.

403 The Applicant sought removal of the option to alter the consented building and structure locations, orientation and heights (Condition 6 and 7) through the conditions, and deferring that to a separate s127 RMA process (should it be desired by a lot owner). We accept this change. Given the basis of the effects assessment are the restrictions imposed by those conditions, and other conditions require those outcomes through additional aircraft safety assessments, we do not consider it preferable to provide for a deviation from that design within the condition. While acknowledging Mr Kyles Minute 19 comment that the s127 RMA process would not guarantee that CIAL is engaged in future applications to change the matters locked in by those conditions, we find that the overarching requirement of new condition 3A and other conditions throughout the consent document will ensure that CIAL is engaged by the correct implementation of

the s127 process. We also include an advice note in Conditions 6 and 7 to reiterate this expectation.

404 The Panel agrees with the Applicant's interpretation of the CDP rules and the opportunity for temporary construction plant to exceed protection surfaces as permitted under rule 6.2.4.1.1 P1 and which has otherwise obtained the relevant authorisations from CAA under CAR Part 77.

405 We also remove the purpose chapeau included by the Panel in its draft decision as that is now provided by Condition 3A.

Condition 8 Noise

406 The Panel accepts that future development of lots created by these consents must also comply with the permitted standards of Rule 6.1.7.2.2 of the CDP, which addresses noise insulation and reverse sensitivity issues for airport operations. The Panel considers that it is useful to add that clarification as an advice note to land use consent Condition 8, and adopts the Applicant's Minute 17 response suggestion in that regard to include reference to compliance with the permitted standards of rule 6.1.7.2.2 of the Christchurch District Plan, unless otherwise authorised by a separate resource consent. Those standards relate to noise insulation requirements to minimise reverse sensitivity to noise generated by airport operations.

Condition 8A Construction noise and vibration management plan

407 The addition of a requirement for a construction noise and vibration management plan (LUC Condition 8A), provided by the Applicant in response to our request.

408 We accept this addition with minor modification, acknowledging that this approach is also supported by CCC. We modify subdivision condition 26 (Environmental Management Plan) to simply refer to land use consent Condition 8A to avoid inconsistency between the management plan requirements.

Condition 8B Noise complaints covenant

409 The Panel agrees with the comment by CIAL and Airways in their Minute 16 response that the condition should operate only as a supplementary measure and should not be relied upon as a substitute for appropriate land-use controls and conditions that avoid or manage aviation safety and operational effects at the source. We find that is the case and that all other relevant effects are addressed by separate conditions. We do make one further modification of the condition to delete the word 'existing'. We agree that the condition should apply to all activities within the airport that could occur under current legal authorisations.

Condition 9A Universal exterior lighting

410 The addition of a universal exterior light performance standard condition (Condition 9A) and corresponding amendments to other lighting and glare conditions (9b, 10, 11 and 12). We accept these additions with minor modifications to ensure consistency and integration between their outcomes. We include compliance with Condition 10 (construction lighting), 11 (control of light spill) and 12 (lighting within 500m runway threshold) as requirements of Condition 9A.

- 411 With respect to Airways' request that CIAL and Airways be engaged through the preparation of the lighting plan, we find that specifying the engagement of those parties in the condition is not necessary to ensure compliance and certification.

Condition 9B Glare

- 412 In response to Minute 19, the Applicant offered glare standards provided by its expert Mr Evans and a requirement to avoid the use of highly reflective or specular materials, and to minimise the reflectance of surfaces that are directly illuminated, to reduce the potential for reflected glare "as far as reasonably practicable in the opinion of the suitably qualified and experienced lighting engineer". Airways opposes that qualifier. We agree and find that achieving of the standard and outcome should not necessitate such flexibility provided for by that wording. We have deleted that "as far as reasonably practicable" qualifier accordingly.

Condition 13 Aircraft protection

- 413 In their Minute 16 comments, CIAL and Airways sought a clear distinction between the activities provided for by the consents and the restrictions imposed by the airport designation, and the corresponding approval process under s176 RMA. In its Minute 17 response the Applicant indicated that the wording it had previously offered was that sought by CIAL in its previous comments. The Applicant offered a further amendment to include reference to the s176 process in an advice note, and reference in the condition to penetrations of the protection surface provided for by the Condition 7F(a) process. We find these amendments are appropriate and adopt them. They clarify that construction structures and activities are limited to the listed CDP permitted activities, except as provided for under Civil Aviation Rule Part 77, and subject to any s176 approvals necessary for any activity within the designation. We are satisfied that obligations under s176 RMA remain distinct from the activities provided for by the consents.

Condition 16 Changes in ground levels

- 414 In response to CIAL's comments, the Applicant deletes the exemption of stormwater Lots 200 and 201 from the requirement to avoid ponding. We included that exemption in our draft to acknowledge that during very heavy rainfall there might be short-term ponding within those stormwater treatment facilities. However, in light of the agreement between the parties on this matter we accept that deletion.

Condition 17b Landscaping

- 415 We accept and adopt the Applicant's Minute 17 response to include the WHMP in the condition that guides plant species necessary to minimise bird strike. This responds to a Minute 16 response request by CIAL and Airways.

Condition 20A Wildlife Hazard Management Plan

- 416 Explicit inclusion of the Wildlife Management Plan into the land use consent by the Applicant. We adopt this condition which strengthens the applicability of the WHMP to the land use consent activities.

Condition 21 Covenants

- 417 The Applicant had adopted a hybrid approach comprising simply worded requirements referring covenant clauses to other conditions, and some more detailed technical requirements embedded into other clauses within this condition. We have checked to ensure that the technical detail within Condition 21 is a direct repeat of the technical requirement of the corresponding performance conditions, and on this basis we have significantly simplified this covenant condition to improve its internal consistency and implementation.

Condition 21A – Civil Aviation Act 2023

- 418 In their Minute 16 response, CIAL and Airways commented that Condition 21A "inappropriately elevates the role of Part 77 and the CAA" in relation to construction and building effects. In its Minute 17 response, the Applicant responded that the condition is a precautionary measure to "ensure that the consent holder is expressly alerted to the potential applicability of Part 77, and to promote transparency in the management of any aviation safety determinations that may arise. For the avoidance of doubt, the purpose of the condition is not to elevate Part 77, or the role of the CAA, above the District Plan or the resource consent framework". The Applicant offered minor amendments to clarify that intent.

- 419 The Panel agrees with the Applicant that this condition reinforces the role of Civil Aviation Rule Part 77 but does not diminish or supersede the relevance of other conditions and District Plan controls. We accept the Applicant's additions and retain the condition.

Condition 21AA Helicopter downwash

- 420 Provision of a helicopter downwash management conditions, recast from the earlier advice note, was provided by the Applicant at our request. We have adopted this as a condition with minor modifications. We find that the detail introduced by the previous advice note is more correctly imposed as an enforceable condition to ensure the anticipated outcomes. We also include lot 122 in this condition based on the advice of Mr Bermingham in his Memorandum dated 1 April which records (among other matters)

that the extent of downwash hazard extends "...about 35 metres to each side of the published approach/take-off-climb path" for the GCH heliport.⁹²

An advice note that clarifies the overarching role of the airport designation and s76 RMA process necessary for works by third parties within the designation

- 421 We have adopted this advice note. While it reiterates the law, its inclusion is acceptable and addresses a particular concern raised by CIAL.

Condition 21B – Aviation Contact and Incident Reporting

- 422 The Panel considers that the condition, with amendments offered by the Applicant in its Minute 17 response, appropriately provides for contact with CCC, CIAL and Airways during construction, until superseded by the Industrial Park Management Entity. The Applicant's amendments are adopted

Condition 21C Aviation risk assessment

- 423 To provide surety of independence, we have included a requirement that the suitably qualified and experienced aviation practitioner that is nominated by the consent holder to undertake the aviation risk assessment is to be "approved" by CCC. In its approval function, CCC must limit its consideration to any potential conflicts of interest that may arise, including if raised by parties.
- 424 To provide certainty regarding the purpose of the aviation risk assessment, we have replaced the former advice note with the inclusion of Condition 3A as a stated outcome in terms of aircraft safety and airport operations.
- 425 The Panel accepts the additions and edits the Applicant has provided in its Minute 17 response. They appropriately separate the role of the condition from the CAA approval process, and also ensure that any aviation risk assessment undertaken under this condition must be completed prior to lots being released for development. They also address CCC's request to be notified of any aviation risk assessment that is to be undertaken.
- 426 The Panel also finds that the separation of the CAA and consent roles is appropriately reiterated in new Advice Note A as provided by the Applicant

Condition 21D Specific aviation risk assessment

- 427 The Panel accepts the Applicant's Minute 17 response. We agree with and adopt the amendments that require the aviation risk assessment to be completed before building development occurs. We have further modified clause A to ensure that that is explicit.
- 428 We also include Lot 72 for consideration in the aviation risk assessment. While only a small portion of that lot is located within the 'control area' identified in Mr Bermingham's evidence, industrial development might be anticipated up to the northern lot boundary such that it should be considered within the assessment.

⁹² Memorandum of Geraint Bermingham regarding Lot 121 Helicopter Downwash Hazard - Advice Note dated 1 April 2026 at [5(i)]

Condition 21E Dispute resolution

- 429 The Applicant deleted this condition on the basis that it interpreted that CIAL did not support the condition. In its Minute 19 response, CIAL clarified that if the revised aviation risk assessment condition it sought in its Minute 17 comments was not adopted, the Condition 21E should be retained.
- 430 We have added text to clause B to provide a specific trigger process for a dispute to be raised, with that being limited to the findings and recommendations of the completed aviation risk assessment required by Condition 21C and / or the completed specific aviation risk assessment required by Condition 21D. On that basis, the Condition 21E dispute resolution process will be limited to the completed assessments, at which point consulted parties (CIAL, Airways and GCH) will be able to ascertain the extent that their feedback on the drafts have been incorporated into the final documents. We have imposed a timeframe of 15 working days from the time that the completed assessments are received for disputes to be notified to the consent holder and CCC.
- 431 We have also applied the dispute resolution process within Condition 21E to the aviation risk assessment required by Condition 21C. This is consistent with changes to the aviation safety conditions requested by CIAL and Airways without providing the full aeronautical study requested by these parties. It also resolves an inconsistency in the approach taken for 21C and 21D. The processes to undertake the assessments required by these conditions are similar, requiring engagement with CIAL, Airways and GCH followed by the Consent Holder submitting completed assessments to those parties. In our opinion, disputes may arise in either process and we find that applying the dispute resolution process to 21C usefully improves the implementation of that condition. We note that the dispute resolution process is limited in scope, straightforward, time-bound and provides for independent decision-making. Consequently it provides an effective and efficient mechanism to resolve any disputes regarding air safety / aviation performance that may arise from the assessment required by condition 21C (and condition 21D).

Subdivision consents

- 432 Generally, amendments to the subdivision consent conditions are minor and not specifically addressed below. They address various matters including strengthening of the relationship between landscaping and the WHMP, and the linkage between these conditions and the land use consent conditions, including lighting controls and surface water ponding. Notable amendments are as follows.

New Condition 1AA Industrial Park Management Entity.

- 433 Offered by the Applicant in its Minute 19 response to provide an overarching management entity to ensure the consented obligations that apply to each new lot are understood and implemented. CIAL expressed concern that this does not create an effective and enforceable process for ensuring compliance. We find that the obligations on each lot are imposed through covenants and consent notices. We support the establishment of the management entity, comprising the consent holder and owners / occupiers of each lot, to strengthen the management of those obligations both via the individual lots and the primary consent holder. For completeness, we record that this condition does not remove or reduce obligations on the consent holder, future lot

owners or future lot occupiers to comply with the conditions of the land use consent and the subdivision consent.

Condition 26 Environmental Management Plan

434 Condition 26 provided the content to be provided in the Environmental Management Plan (EMP). The Applicant had included wording proposed by CCC regarding the technical content requirements of a Construction Noise and Vibration Management Plan (CNVMP. As noted earlier, we have simplified this by referring the EMP condition to the corresponding land use condition that outlines the CNVMP requirements in greater detail.

435 The Applicant has also added a requirement for the EMP to detail how effects of downwash will be addressed. We accept this addition but further modify it in response to CIAL comments so that the condition requires avoidance of effects on helicopters and people.

436 The Applicant has also added the requirement to provide the EMP to CIAL and GCH, in addition to CCC. We adopt that addition.

Conditions 86, 88, 89, and 95 - Landscaping

437 In response to Minute 16, CIAL and Airways sought that "that plant species selection is consistent with the relevant District Plan provisions and the WHMP to ensure landscaping does not create bird strike risk. Provision should be made for input from CIAL on plant species selection".

438 In its Minute 17 response the Applicant provided additions and advice notes to address this request. We are satisfied that the Applicant's response is appropriate and adopt those amendments.

Condition 99 (deleted)

439 Formerly Condition 99 addressed the management of stormwater basins in relation to bird strike risk. That condition had been deleted from the version issued with our draft decision on the basis that the revised stormwater treatment devices negated its requirements. CIAL and Airways sought reintroduction of a condition in that regard to ensure ponding of water is voided.

440 In its Minute 17 response the Applicant identified various other conditions that address this matter and did not agree to the inclusion of the additional condition sought by CIAL and Airways. The Panel agrees with the Applicant that the WHMP and various other conditions ensure that the stormwater system will avoid ponding and appropriately minimise the risk of bird attraction. The regional discharge consent conditions lock in the stormwater treatment design, and the WHMP conditions and landscape conditions ensure the outcomes of concern to CIAL will be appropriately addressed. The Panel also notes the requirement of land use and subdivision conditions to avoid ponding.

Condition 109 – Wildlife Hazard Management Plan

441 In their Minute 16 comments, CIAL and Airways stated that it is "Unclear how conditions will be consistently implemented or co-ordinated over the lifetime of the development. In particular, there is no clear mechanism to ensure:

- Consistent application of the WHMP across all lots;
- Long-term funding and resourcing (including Site Manager roles); and
- Effective oversight as sites are developed and ownership changes overtime".

442 We agree with the Applicant's Minute 17 response on this matter that new Condition 1AA covers on ongoing obligations imposed on future owners / occupiers of lots. No modification of Condition 109 is required.

Condition 110 - Wildlife Hazard Management Plan

443 We accept and adopt the Applicant's Minute 17 response addition to this condition which states that "No works shall commence on site until the WHMP has been certified". We find that the appropriately addresses the concern raised by CIAL and Airways.

Condition 116 Consent notices

444 Similarly to the covenant condition, we have undertaken significant refinement of this condition to achieve internal consistency and enforceability.

445 Changes have also been made to the regional consent conditions in agreement with CRC; primarily simplification of conditions relating to the management of discharges during construction.

446 The panel has considered whether the air safety and airport operations conditions (including the changes discussed above) are legally available (in the sense of the well-known RMA tests) and also whether the conditions represent the least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the Act. In summary the panel considers that the conditions meet these requirements.

Should we apply the precautionary principle?

447 The Panel is not aware of any RMA policy or planning direction relevant to the proposal that requires a precautionary approach. Even so, we have a discretion to apply a precautionary approach and decide the weight to be given to a precautionary approach.

448 In light of the concerns raised by CIAL and Airways regarding air safety, the Panel has actively considered whether a precautionary approach is appropriate in the circumstances of this case. We have carefully considered all the evidence before us, including the comments from CIAL and Airways as well as the subsequent evidence filed by these parties in response to Minute 13. We consider that a precautionary approach is not required for the following reasons.

449 The totality of the evidence from the Applicant together with proposed air safety consent conditions as amended by the Panel establish that the effects on aviation safety will be within the level of effect contemplated by the RMA and acceptable in aeronautical safety

terms. In particular, the extent of air safety risk, taking into account the air safety conditions, will be no more than minor such that there will be no material harm to air safety arising from the proposal. Further, for the same reasons, the degree of uncertainty is low because the risks have been adequately identified, assessed and will be managed through the design of the development and the air safety consent conditions. We therefore consider that no irreversible harm to the environment with respect to air safety matters will arise. Finally, we consider the air safety conditions to be appropriate and sufficiently precautionary⁹³ to manage air safety effects arising from proposal⁹⁴. We consider these conditions are in accordance with clauses 18 and 19, Schedule 5 FTAA, and in compliance with section 82 FTAA.

Overall assessment – are the potential air safety effects acceptable?

- 446 As we expressed earlier, the consideration of potential aircraft safety effects has incorporated complex critical issues. While the issue has progressed iteratively and remains contested between the parties, its progression has assisted us to the point that we are comfortable that approving the application with the conditions included with our Decision, will ensure the ongoing safe operation of the Airport. We find that the proposal can be consented such that its construction, occupation and use will not result in unacceptable or more than minor effects on the operation of the Airport or GCH facility. In terms of Aircraft safety and GCH operations, effects will be minor or less than minor, and will not require mitigation responses by Airways, CIAL or GCH.

Land supply

- 447 The Application includes three Appendices that provide evidence on industrial land supply matters. In summary, the Bayleys report (Appendix 22) states that freehold industrial land (i.e. that is able to be owner-occupied as opposed to leased) in Canterbury is in high demand, and this demand will continue. However, the majority of currently available industrial land is only available for lease or on a design-build arrangement (i.e. land with a contract builder arrangement) – this is particularly the case in and around the Christchurch International Airport, where almost all of that land is owned by CIAL and is offered to the market through design-build leasehold arrangements. Bayleys considers that there is an acute shortage of quality industrial property, smaller industrial lots around ~1000m² and for freehold unencumbered industrial land in and around the Airport.⁹⁵
- 448 The Bayleys report states that the airport area is particularly attractive to investors and developers for several reasons including its proximity to key freight and transport services, the diversity of tenants who seek this proximity, and proximity to customers and staff.⁹⁷
- 449 The Colliers report (Appendix 21) assesses land supply in detail, utilising CCC's vacant land survey and the Colliers vacant land survey and concludes that there is limited land supply within preferred Christchurch areas available for immediate development that is

⁹³ Experts for the Applicant consider that some of the conditions proposed by the Applicant are additional to what is required to maintain aircraft safety i.e. they are precautionary.

⁹⁴ Noting the evidence by experts for the applicant that conditions requiring aviation safety assessments are not necessary.

⁹⁵ Application AEE, Appendix 22, Bayleys Memorandum dated 7 March 2025 paragraphs 5 to 7 and 10.

⁹⁶ Ibid, paragraphs 9 and 11.

⁹⁷ Ibid, paragraph 11.

free of development ties.⁹⁸ The Colliers report also examined the different Christchurch industrial zone types (e.g. Heavy Industrial Zone (HIZ)), Industrial Park Zone (IPZ)) and the Special Purpose Airport Zone (SPA)), and the different activities these zones provide for.⁹⁹ It concludes that the proposal essentially seeks to provide for activities and site development that is consistent with the Industrial General Zone (IG) which is the most suitable, and that demand for industrial activities in this location is likely to be Airport related logistics and warehouse activities, similar to those which exist in the nearby Dakota Park Freight and Logistics precinct at Christchurch Airport.¹⁰⁰

- 450 The Colliers report also examined the Harewood industrial land market (in the vicinity of the airport) in more detail, stating that there is 53.35 ha of vacant HIZ, IG and IPZ in the Harewood area, of which the majority (44.01 ha) is zoned IPZ in Harewood East.¹⁰¹ The report also states the IPZ land does not satisfy the market demand requirements for industrial land in this locality, including airport related activities and also notes fragmented ownership and wastewater capacity constraints.¹⁰²
- 451 The report also identifies the Greenfield Priority Business Area and other land at Avonhead, that comprise 21.6 ha of vacant IPZ Avonhead North and 67.8 ha Rural Urban Fringe Zoned land at Avonhead West and East. The report states these areas do not comprise a reasonably practicable and feasible alternative for providing industrial capacity in the same locality and market.¹⁰³
- 452 Whilst noting the significant area of vacant IPZ land in Harewood East and Avonhead North, Colliers considers these areas are not viable to provide capacity for IG zone type and that the Ryans Road site is the only reasonably practicable and feasible option for providing at least sufficient development capacity with the deprived and constrained Harewood locality and market close to Christchurch Airport.¹⁰⁴
- 453 The Market Economics (ME) report (Appendix 20) also examined land supply, referencing the Council's Vacant Land Register and the Colliers land survey covered in the Colliers report.¹⁰⁵ The report considered the vacant land at the airport, and other industrial land near the airport and drew similar conclusions to the Colliers report, i.e. that the subject site is the only practical and feasible option to provide needed industrial land capacity near Christchurch Airport.

⁹⁸ Colliers report, dated 20th February 2025, page 17.

⁹⁹ Ibid, Section 4.

¹⁰⁰ Ibid, section 4.6.

¹⁰¹ Ibid, Section 5.5.

¹⁰² Ibid, page 29.

¹⁰³ Ibid, section 6.5, pages 29 to 31.

¹⁰⁴ Ibid, section 7.2, page 36.

¹⁰⁵ Application AEE, Appendix 20, Market Economics report.

Comments provided by the parties

Christchurch City Council

- 454 CCC rely on the advice of Formative to review the Applicant's industrial land supply evidence¹⁰⁶ as well as a Council memorandum¹⁰⁷ that itself relied on a peer review of CCC's land demand model by Sense Partners.¹⁰⁸ Formative accepts that there is limited freehold vacant industrial land in the airport area, and that this may be an aspect behind the development of land around the airport. Formative also accepts that the Ryans Road development would provide alternatives in this location which could attract more businesses to the area, than would otherwise be the case, which is an economic benefit of the proposed development.¹⁰⁹
- 455 Formative notes Market Economics' assertion that there is much more demand for land from Warehousing and Logistics than for other types of industrial activities, (roughly 3.5 to 1) and that therefore, "it is imperative that land is provided for logistics and warehousing in appropriate locations" which includes the Airport. While Formative agrees that there is more demand for warehousing and logistics land in the demand projections, Formative considers this demand will mostly be accommodated on large lots of 1ha or larger, due to the space extensive nature of those activities, noting that most warehousing and logistics activities occupy buildings too large to be accommodated on sites smaller than 1ha, whereas the Ryans Road development is proposing 90% of the lots to be less than 1ha and hence not likely to be able to accommodate the demand that ME has evaluated.¹¹⁰
- 456 Formative also considers the warehousing and logistics market operates across a wider area than just the Airport environs and that there is considerable supply around the various industrial areas in Christchurch and within the neighbouring areas (e.g. Rolleston and to a lesser extent Rangiora). Importantly there are a number of ports (both sea and inland) that will attract a considerable amount of warehousing and logistics activity, and Formative consider that a significant and large share of the demand should appropriately be accommodated elsewhere in the urban area. Formative notes the ME assessment provides no basis to support the conclusion that the "vast majority" will (or should) locate in the Airport environs.¹¹¹
- 457 Formative also notes that the ME assessment applies the long-term ratio of demand (i.e. 3.5 to 1) and ignores the short-medium term. In the short-medium term the ratio of demand for land from warehousing and logistics compared to other industrial activities is only 1.3 to 1. Formative consider this ratio is important because the Ryans Road development will occur before the long term, with construction assumed to be completed in a 2-3 year period.
- 458 Formative states that the ME assessment acknowledges the Colliers research on vacant land but then adopts the older data from the CCC vacant register. The Colliers research suggests that there is 90.2ha of vacant land at the airport, which is more than 19ha of

¹⁰⁶ CCC Comments dated 18 June, 2025, paragraphs 40 to 43.

¹⁰⁷ Memo Response to growth model aspects of Market Economics economic assessment for RMA/2025/1208 (Ryans Road Industrial Development), 11 August 2025 Aimee Martin.

¹⁰⁸ Sense Partners Peer Review: Christchurch City Council Land Demand Model, 10 June 2022.

¹⁰⁹ Ryans Road Fast Track Economic Review, Formative, dated 25 August 2025, Section 3.1.2, page 7.

¹¹⁰ Ibid.

¹¹¹ Ibid, page 8.

wholly vacant land in the CCC vacant register. Therefore, even if one assumes that the “vast majority” of the short-medium term warehousing and logistics demand (20.5ha) should be accommodated in the Airport environs, then only a small share of the vacant capacity identified by the Applicant’s assessment would need to be developed. (section 3.1.2, page 7). Formative note the latest CCC projections of industrial land demand and that for the short-medium term these range from 72-122ha for industrial land or 7-12ha per annum. Formative notes this rate of growth is higher than the previous projections in the GCP BCA, which had demand of 33ha for industrial land or 3ha per annum (section 3.1.2, page 7).

- 459 Formative acknowledges that much of the land in the Airport environs is leasehold, however only a small share of it is needed in the short-medium term if the old projections are adopted.¹¹²
- 460 Formative states that, if approved, the Ryans Road development could accommodate the total warehousing and logistics demand over the next 10 years for all of Christchurch twice over, even with no other development of Warehousing and Logistics in the rest of Christchurch.
- 461 Section 3.2.4 of the Formative report assesses the Harewood industrial land market. Formative considers that in terms of a locality or catchment definition, the location of the Ryans Road site south of the Airport means it is closer to other industrial areas in the south, and that while they agree that Harewood would be part of the market within which the Ryans Road development would compete, it would also compete for customers that would locate within the industrial areas to the south and at the Airport. Therefore, the vacant land supply within the market would be larger than stated in the Colliers report (which limits the vacant land only to that existing in the Harewood market). That is, the catchment definition adopted in the Colliers assessment understates vacant industrial land supply by applying an artificially small catchment.¹¹³
- 462 Formative do not agree that CIAL land should be excluded from the assessment simply because it is leasehold, as leasehold land can and will be developable, as is evidenced by the development of the Harewood North leasehold land and the existing development within the Airport. While there may be a preference for some businesses to have freehold land, this does not mean that CIAL land should be excluded in its entirety.¹¹⁴
- 463 Section 3.2.6 of the Formative report examines the Colliers ‘take-up’ assessment and does not agree with the use of the take-up data to inform a projection of demand as the take-up calculations used in the report are incorrect, and if the calculation was corrected then the average uptake would be 46% lower and hence the point at which an industrial land shortfall would arise as calculated in the Colliers assessment would move from the medium term to the long term. Consistent with their opinion on CIAL’s land, Formative considers that the exclusion of other leasehold land is not reasonable as leasehold land can and is used for industrial activity, and it is not practical to remove this land from the assessment. Formative does not consider that the conclusions in the Colliers assessment on the need for more land are supported by the evidence.¹¹⁵

¹¹² Ibid, page 8.

¹¹³ Ibid, page 17.

¹¹⁴ Ibid, page 18.

¹¹⁵ Ibid, page 19.

- 464 In summary, Formative considers the ME assessment does not provide evidence of a shortfall in the short-medium term for industrial land (acknowledging that the situation in the long-term could result in the need for more land) but notes adopting the new projections from CCC suggests that the situation could be tighter.¹¹⁶
- 465 The memorandum from Ms Martin identifies some potential misinterpretations in the ME economics assessment regarding how the CCC model functions, for example double-applying or misunderstanding the Floor Area Ratio (**FAR**) in translating floorspace to land area demand.¹¹⁷

Applicant's response to comments

- 466 The Applicant's response relies on the ME report dated 31.10.25 from Mr Akehurst. Mr Akehurst states that although larger lots (over 1ha) constitute only 10% of the total number of lots, they account for almost 60% of the total land area (i.e. approximately 29.6 ha, compared with 20.2 ha for lots under 3,000 m²) and that this refined subdivision plan directly addresses strong regional demand for warehousing and logistics, while the inclusion of smaller lots provides the flexibility needed to serve the local market and respond to evolving demand patterns within the Airport environs.¹¹⁸
- 467 Mr Akehurst comments on updated CCC demand projections for warehousing and logistics land, stating these revised warehousing and logistics demand projections are significantly higher than the earlier Business Development Capacity Assessment (**BDCA**) 2023 projections.¹¹⁹
- 468 Regarding catchments, Mr Akehurst clarified that the catchment defined in ME's analysis refers to the Airport land supply catchment, not a demand catchment - in other words, it delineates the geographic area surrounding the Airport that is most suitable for accommodating warehousing and logistics activities, given its locational advantages, infrastructure connectivity, and land-use context.¹²⁰
- 469 Mr Akehurst considers that the Council's criticisms of ME's approach¹²¹ are unfounded as the points raised largely reflect terminology and labelling inconsistencies within the BDCA results itself, rather than any misinterpretation by ME.
- 470 Mr Akehurst examined Formative's assessment of vacant land and considers it has been significantly overestimated, primarily due to including all industrial-related zonings and not distinguishing between freehold and leasehold tenure or between wholly and partly vacant parcels. ME states that while the Formative approach may provide a broad overview of general industrial land trends across Christchurch, it is less meaningful for assessing supply constraints within specialised submarkets such as the Airport environs, where land tenure and functional suitability play a critical role in determining actual market availability. When these practical constraints are applied, only 10.54 ha of

¹¹⁶ Ibid, page 8.

¹¹⁷ Comments from Christchurch City Council, Appendix 2, 19 June 2025.

¹¹⁸ Ryans Road Industrial Development - Reply to CCC, Market Economics, Section 3, page 3.

¹¹⁹ Ibid, page 6.

¹²⁰ Ibid, Airport catchment section, pages 6 and 7.

¹²¹ Memo Response to growth model aspects of Market Economics economic assessment for RMA/2025/1208 (Ryans Road Industrial Development), 11 August 2025 Aimee Martin.

freehold, vacant, and appropriately zoned industrial land within the Airport environs are realistically available for development.¹²²

- 471 Mr Akehurst notes (as do CCC and Formative), that the sufficiency requirements under clause 3.3 of the NPS-UD represent a minimum threshold, not an upper limit. In other words, the NPS-UD requires councils to ensure there is at least enough development capacity to meet projected demand for housing and business land, but it also recognises that additional capacity may be appropriate where it contributes to a well-functioning urban environment.
- 472 Mr Akehurst concludes that the Ryans Road development plays a valuable and complementary role by enhancing the flexibility, responsiveness, and resilience of the industrial and logistics land market in Christchurch. The proposal introduces additional capacity within a strategically significant submarket (i.e. the Airport environs) where freehold, serviced, and appropriately zoned land is in critically short supply. By providing a diverse mix of lot sizes and uses, the development will accommodate both large-format logistics operators and smaller industrial or service-based businesses, improving market efficiency, competitiveness, and choice. Mr Akehurst states that even if the existing industrial land supply were deemed nominally “sufficient” under the minimum NPS-UD test, the provision of additional, high-quality industrial capacity at Ryans Road represents a positive and enabling outcome. It advances the objectives of the NPS-UD by contributing to a well-functioning urban environment, supporting economic productivity, and ensuring Christchurch can respond proactively to future growth and structural changes in the industrial and logistics sectors.¹²³

Panel Findings

- 473 We note the different findings on land supply matters between Colliers, ME and Formative and that these are likely due to such matters as: updated projections; different catchment sizes; whether to include or exclude leasehold land; the specific zoning of the vacant land; servicing constraints; and the appropriate demand ratio to apply.
- 474 We consider Formative’s assessment to be more robust. Whilst the subject site likely commands a proximity premium, it is clear to us that warehousing and logistics also occur in other areas of the city, including in the west of the City, and therefore capacity in these areas should not be discounted entirely.
- 475 In addition, whilst we understand that freehold tenure is a different product to leasehold tenure, we do not consider it acceptable to simply remove lease-hold land from the capacity calculations. Clearly warehousing, logistics and other industrial activities are occurring on lease-hold land in the vicinity of the airport. We also note that whilst it may be the intention of the Applicant to provide freehold land as part of this proposal, we are not aware of any proposed mechanism that requires this of the Applicant, or of subsequent land purchasers, i.e. some or all of the sites could end up being leasehold at some point in the future. We also note the alternative could apply, e.g. some existing lease-hold land could instead be provided freehold in response to market demand.

¹²² Ryans Road Industrial Development - Reply to CCC, Market Economics, Airport catchment section, page 9.

¹²³ Ibid, page 11.

- 476 We accept that IPZ land is a different zone to the GIZ, with District Plan Policy 16.2.1.3 describing it as “providing for industrial activities in the high technology sector and other industries in a high amenity environment dominated by open space and landscaping, and that generate higher volumes of traffic than other industries while having negligible effects in terms of noise, odour or the use and storage of hazardous substances”. However, we note that the zone also provides for non-high technology industries and expressly provides for warehousing and distribution (Rule 16.6.1.1 P3) and industrial (Rule 16.6.1.1 P2) as permitted activities. We note that Colliers identified constraints such as servicing, however we also note that servicing constraints can be resolved. As such, we do not agree that vacant IP-zoned land within the catchment should be completely excluded from the supply assessment.
- 477 We note the recent draft approval of the FTAA Pound Road Industrial Development to subdivide approximately 60.4 hectares of land on Pound Road, Tempton, Christchurch to create 74 allotments for industrial use. As set out in that decision (paragraph 19(g)), the site is approximately 5km from the Christchurch International Airport and the Ryans Road Site. Similar to the Ryans Road site, the proposal involves the application of the Industrial General provisions. The subdivision is intended to accommodate ‘dry’ industrial uses, light manufacturing, warehousing, and logistics activities (paragraph 33). If this decision was confirmed, another 60.4 hectares of industrial land would be available within 5km of the airport that would presumably be suited to similar activities proposed for the Ryans Road Site. While we note this matter, we have not relied on it in our findings because the decision is draft only.
- 478 Whilst not relevant to our decision, we note that the Greater Christchurch Spatial Plan identifies a large area of Rural Urban Fringe zone land immediately to east of the subject site as being a “New/expanded industrial” area (in Map 14 Broad locations for future development). As such, we are not persuaded by the various assertions from the Applicant’s experts that the subject site is the only practical and feasible option to provide needed industrial land capacity near Christchurch Airport.
- 479 Based on Formative’s advice we find that it is not clear that there is a significant shortfall of vacant industrial land in Christchurch in the short to medium term, however we accept that more vacant industrial land is likely required in the longer term.
- 480 Whilst we favour Formative’s assessment of land supply and demand, overall we accept that there is high demand for industrial zoned land near the airport given its locational advantages. We agree that the subject site is well located to provide additional capacity for warehousing and logistics activities and other activities that benefit from a location in close proximity to the airport and with good road transportation links. We accept that freehold land is not always available in this location. We accept that the Ryans Road development could enhance the flexibility, responsiveness, and resilience of the industrial and logistics land market in Christchurch. Finally, we agree that even if the existing industrial land supply were deemed nominally “sufficient” under the minimum NPS-UD test, the provision of additional, high-quality industrial capacity at Ryans Road represents a positive and enabling outcome.

Highly productive land and NPS-HPL assessment

Proposal

- 481 The AEE states that the site is classified as having LUC class 2 soils and is currently used for grazing purposes and given the proposed change of use to industrial activity the productive potential of the versatile soils at the site will be lost.¹²⁴
- 482 The AEE notes the National Policy Statement on Highly Productive Land (**NPS-HPL**) interim classifications requirements and the question of whether the Rural Urban Fringe zone constitutes a General Rural or Rural Production zone and consequently whether the NPS-HPL is relevant. The application refers to legal advice (Appendix 37 to the application) which considers the site is not zoned General Rural or Rural Production and therefore the NPS-HPL does not apply under the definition of highly productive land.¹²⁵
- 483 The legal advice (at [10]) identified that the RUF Zone activity and subdivision rules:
- (a) provide a minimum net site area of 4 hectares (this is the lowest minimum net site area allowed for any of the “rural” zones in the Christchurch District Plan, with other rural zones having a minimum net site area varying from 20 hectares to 100 hectares;
 - (b) permit a significant range of non-rural activities in the zone, including retail and manufacturing, residential activities, recreation activities, emergency service facilities, vet facilities, poultry hatcheries, and visitor accommodation. Farming and rural produce retail are also permitted;
 - (c) intensive farming is also contemplated in the zone but as a restricted discretionary activity rather than a permitted activity, with specific regard needing to be given to the sensitivity of the surrounding environment, and the extent to which adverse effects on residents can be avoided.
- 484 The legal advice included an analysis of the activities currently being undertaken in the RUF Zone and stated that demand for rural lifestyle properties in the Rural Urban Fringe zone close to the city has elevated the land value to a level where rural lifestyle represents the highest and best use. Noting that the Environment Court has held that ascertaining what the “nearest equivalent zone” is, does not involve an evaluation of the extent of land use activities taking place within the relevant zone¹²⁶ the advice still considered these are relevant considerations as they are evidence of the purpose of the zone as reflected in the permitted activities taking place.
- 485 The AEE also includes an assessment against the NPS-HPL, which is informed by the Reefside assessment (AEE Appendix 26), in case the Panel do not agree with the legal opinion provided.
- 486 In summary, the Reefside assessment identifies that there are site specific constraints, and identified the following key points:

¹²⁴ Applicant’s AEE, dated April 2025, paragraph 240.

¹²⁵ Ibid, paragraph 242.

¹²⁶ *G M & J Drinnan v Selwyn District Council* [2023] NZEnvC 180 at [82].

- (a) Site-specific constraints affect the agricultural productive potential of the site including moisture deficits and the limited availability of irrigation water in this allocation zone. The consented and available annual volume is only 37% of the total volume of water that would be required to irrigate the Site for pasture. This is a shortfall of 242,542 m³ per year.¹²⁷ without sufficient irrigation the LUC2 soil will not achieve its full productive potential;
- (b) The Site's farming activities have been low intensity, meaning the extent of nitrogen leaching has also been low and therefore, the baseline nitrogen leaching rates are also very low.¹²⁸ The nutrient limits in the Christchurch West Melton Nutrient Allocation Zone are a permanent and long-term constraint which compromises the productive potential and economic viability of the highly productive soils of the Site;
- (c) The current low productivity across the site and the inherent limitations due to water availability and nutrient restrictions indicate that the use of the land for land-based primary production is not economically viable;
- (d) The bird strike risk and proximity to the airport also impact the potential for farming activities. Farming activities, particularly horticulture and cropping, have the potential to increase bird populations due to nesting and feeding opportunities;¹²⁹
- (e) The potential for fragmentation of large geographically cohesive areas of highly productive land is not a concern due to the site's boundaries (Ryans Road, Grays Road, CIA land) and the mixture of zoning and existing land uses on surrounding land.¹³⁰

487 The Reeftide report concludes that there are multiple long-term constraints on the capacity of the site to support primary production activities and that the productive potential of the soil is already constrained. The report also notes that the proportion of highly productive land that the site represents within the Canterbury Region (0.01%) and Christchurch District (0.59%) is insignificant.¹³¹ The report states that the proposed development of the site is appropriate and will not compromise the use of nearby highly productive land for land-based primary productions, both now and in the future.¹³²

Comments from parties

Canterbury Regional Council

488 In response to the Panel's questions on the NPS-HPL (in Minute 3), CRC state that the CRPS has not yet been updated with mapping of HPL, which is the key direction given in the NPS-HPL to regional councils. The NPS-HPL will generally not be relevant for regional consenting consents because the NPS provisions are focused on restricting urban and rural lifestyle zoning, subdivisions and land use on HPL. It is not directly

¹²⁷ Ryans Road Fast-track Application - Assessment of Potential Loss of Productive Land, Reeftide, dated 4 March 2025, Section 6.2.3.

¹²⁸ Ibid, Section 6.3.1.

¹²⁹ Ibid, Section 10.1.2.

¹³⁰ Ibid, Section 9.

¹³¹ Ibid, Section 7.

¹³² Ibid, Section 11.

within CRC's functions for CRC to comment on the HPL status of the land under the transitional definition, or whether an exemption pathway is available. CRC considers that CCC is best placed to advise the Panel on the question of the nearest equivalent zone.

Christchurch City Council

- 489 Relying on its own legal opinion (attached to the CCC comments as Appendix 15), CCC considers that the nearest equivalent zone to the Rural Urban Fringe zone is General Rural, and that therefore the NPS-HPL applies.¹³³ Given our findings below that even if the NPS-HPL applied, the proposal would meet the NPS-HPL exemptions, we have not set out the arguments provided by CCC in support of their position on this matter.
- 490 CCC notes that the NPS-HPL provides three exemption pathways for resource consents on highly productive land, under Clauses 3.8-3.10 and considers that the criteria under clauses 3.8 and 3.9 do not apply as they are not applicable to the proposal on the Site.¹³⁴ CCC provided a peer review of the Reeftide report (contained in Attachment 4 to CCC's comments). The review agrees with the constraints identified in the Reeftide report but does not conclude that these constraints alone demonstrate that land-based primary production is not economically viable for the next 30 years.¹³⁵ The review identified that the highest and best use of the Site is a pasture-based operation but concluded that the operation of a pastoral farm on this site is not economically viable.¹³⁶ The review agreed with the Reeftide assessment that the loss of 55.5ha in the context of the Christchurch District, having 16,856ha of highly productive land, is not significant and that the loss of this land will not result in fragmentation of large and geographically cohesive areas of highly productive land, nor is it likely that reverse sensitivity effects will arise.¹³⁷
- 491 The CCC comments concluded that¹³⁸
- (a) the environmental, social, cultural and economic benefits of the subdivision, use, and development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land;
 - (b) the exemptions in Clause 3.10(1)(a), (b), and (c) are met, and the constraints identified in (1)(a) have been considered in accordance with (2) and (3); and
 - (c) the Site is subject to permanent or long-term constraints, and subdivision, use, or development is allowed under Clause 3.10.

Applicant's response to comments

- 492 The Applicant addressed the CCC comments in the Applicant Response, stating that while the parties disagree on its applicability, the Council concludes that if it applies, the proposal meets the exemption pathway under Clause 3.10 and that expert

¹³³ CCC Comments, dated 19 June 2025, paragraph 271.

¹³⁴ Ibid, paragraphs 273 to 275.

¹³⁵ Ibid, paragraph 279.

¹³⁶ Ibid, paragraph 280.

¹³⁷ Ibid, paragraphs 281 and 282.

¹³⁸ Ibid, paragraphs 284, 287 and 288.

assessments confirm that the benefits of the development outweigh the costs of losing highly productive land, and the proposal is allowed under the NPS-HPL.¹³⁹

- 493 The supporting Memorandum of Counsel also noted that the Applicant disagrees with CCC's Buddle Findlay opinion regarding the nearest equivalent zone, but states that this issue is not addressed in any further detail as it does not need to be resolved for the purposes of the application as any loss of highly productive land or inconsistency with the NPS-HPL does not amount to an adverse impact of sufficient significance to justify declining the approvals sought (paragraphs 26 and 29).
- 494 In his supplementary evidence in response to Minute 14, Mr Phillips referred to paragraphs 318-344 of the draft Pound Road Industrial Development decision (FTAA-2505-1057), released 17 March 2025, which addresses the NPS-HPL. He noted that that Panel determined that the NPS-HPL did not apply to that application and that given the equivalent circumstances apply to the Ryans Road proposal (and the equivalent reasoning within the AEE in regards to the applicability of the NPS-HPL), he considered that the NPS-HPL does not apply to the Ryans Road Application.

Panel Findings

- 495 We agree with CCC's legal opinion that the nearest equivalent zone to the RUF Zone is the General Rural Zone and that therefore the NPS-HPL applies to the subject site. We find that the CDP's rural zone objectives and policies consistently refer to and seek to maintain rural productive activities occurring in all rural areas, including the RUF (e.g. Objective 17.2.1.1 clauses (i) and (ii), Policy 17.2.2.4(ii) and Policy 17.2.2.3(c)) and provide for a range of activities in rural zones that are largely limited to those activities which have a direct relationship with or are dependent on the rural resource and rural productive activity, or have a functional, technical or operational necessity for a rural location (Policy 17.2.2.1).
- 496 We find that the RUF zone activity standards are generally consistent with the CDP's main rural zones (Rural Banks Peninsula Zone, Rural Waimakariri Zone and Rural Port Hills Zone) in relation to farming, intensive farming and non-rural activities (e.g. visitor accommodation, home occupations, recreation activities, veterinary care facilities, emergency service facilities, retail and produce manufacturing), with the only major difference being the minimum lot size for residential activities. Regarding residential activities, we note Policy 17.2.2.7 seeks to ensure a density and distribution of residential units in all rural zones that maintains and enhances the working function of the rural environment and avoids reverse sensitivity effects on rural productive activities.
- 497 We consider that there is some tension between the 4ha minimum lot size for residential activities and subdivision and maintaining rural production consistent with the objectives and policies, however, given the evidence before us on the applicable District Plan provisions, and the CRPS in relation rural versus urban activities, we find on balance that the nearest zone applicable zone to the RUF Zone is the General Rural Zone.

¹³⁹ Applicant Section 55 Response – Planning, dated 28 November 2025, paragraph 15.

- 498 We note our findings are consistent with the Environment Court's decision in *Drinnan v Selwyn District Council*,¹⁴⁰ which considered a comparable matter under the Selwyn District Plan.¹⁴¹
- 499 We find that the relevant NPS-HPL clause for assessing this proposal is 3.10. We accept the findings of the Reeftide report and CCC that the site is subject to permanent or long-term constraints, and that the exemption requirements of clause 3.10 are met. Accordingly, we find that the proposal meets the requirements of the NPS-HPL.
- 500 For completeness, we note that the NPS-HPL was updated on 15 December 2025 changing LUC 3 requirements, however the changes do not affect our assessment of this Application, which involves the proposed use and development of LUC 2 land.
- 501 For completeness, we also note that whilst we have reviewed the Pound Road draft decision as set out in the evidence of Mr Phillips, we have not relied upon it as it is only a draft, and in any case, based on the evidence presented to us and our analysis of how activities are provided for across the CDP's main rural zones, we have formed a different view.

Transportation/Traffic – construction and operational

Transport environment and proposal

- 502 The proposed transport design and effects assessment are described in the Planning Report and the Integrated Transport Assessment (ITA) - Appendix 10 of the application.
- 503 The site is bounded to the east by Grays Road and to the south by Ryans Road. Both roads currently have an 80kph speed limit where they pass the Site. Other roading sites of relevance are:
- (a) Ryans Road / Grays Road intersection: A priority controlled 'T' intersection. No turning bays are provided, and the intersection is within an 80km/h speed limit area along Ryans Road;
 - (b) Ryans Road / Pound Road intersection: A priority-controlled cross-roads, with Pound Road having the priority with 60kph speed limit;
 - (c) Ryans Road / SH1 (Russley Road) intersection: Ryans Road is limited to left in / left out movements only. There is a deceleration lane on SH1 northbound to reduce the effects of vehicles slowing to turn left into Ryans Road. This intersection is in an 80km/h speed limit area;
 - (d) SH1 / George Bellew Road / Syd Bradley Road interchange: This provides all movement access to SH1 via slip lanes to and from the state highway;
 - (e) SH1 / SH73 (Yaldhurst Road) intersection: Traffic signal controlled at-grade intersection with a 60kph speed limit; and

¹⁴⁰ *G M & J Drinnan v Selwyn District Council* [2023] NZEnvC 180.

¹⁴¹ CCC Comments dated 19 June 2025, Appendix 15, paragraphs 27, 28, and 33 – 35.

- (f) SH73 / Pound Road Intersection: Roundabout controlled intersection with 60kph speed limit.
- 504 The ITA predicted that the occupation and use of the proposed industrial development would generate 774 vehicle movements per hour in the AM peak, 705 vehicles per hour in the PM peak and 8,804 vehicles per day.
- 505 The ITA reported that the closest bus service is Route 86 along SH73 (Yaldhurst Road), which operates between Darfield and the Central City with one bus in each direction per day. Other bus services in the wider area travel to / from the Airport. Cycle lanes are provided on the eastern side of the SH73 approach to SH1, although these do not continue further. An at-grade unseparated cycle lane extends beside the northbound lane of SH1 past the Ryans Road intersection and merges into George Bellet Road at the next intersection. The Panel noted during its site visit that various sections of that cycle lane take the form of a sealed shoulder rather than marked cycle lane.
- 506 The ITA indicates that CCC is in the process of acquiring land for the upgrade of the Ryans Road – Pound Road intersection, but that the upgrade is not funded in the Long Term Plan.
- 507 Proposed roading upgrades are:
- (a) The majority of the proposed lots are proposed to be accessed via an internal roading network (Roads 1 – 4), that is to be vested with CCC. Roads 1 and 2 will connect via new T intersections with Ryans Road. Roads 3 and 4 will connect via new T intersections with Grays Road. Internal roads will comprise 5500mm wide dual carriageways, kerb and channel, a 5600mm berm including a 1.5m wide footpath along one side and a 4600mm wide berm on the opposite side without footpath.
 - (b) Lots 55 to 60 are proposed to be accessed directly from Ryans Road, across culverts to be installed in the water race along the northern side of the road.
 - (c) Grays Road will be upgraded with a 3000mm wide west-side landscaped strip adjacent to the Site boundary, then a 5100mm total width berm including a 1500mm wide footpath. Kerb and channel will be installed on the west side of the carriageway. The north bound carriageway will be 5000mm wide. The south-bound will be 3000mm wide, and an additional hardfill shoulder will be formed. No kerb and channel or other upgrades are proposed on the east side of the road.
 - (d) Ryans Road will be upgraded to a 3050 west-bound berm, a 2000mm west-bound shoulder, a 3500mm west boundary traffic lane, a 5500mm east bound traffic lane, kerb and channel, 1500mm wide footpath (on northern, east-bound side), and then a naturalisation of the water race to the boundary of the road with the Site.
 - (e) The Grays Road – Ryans Road intersection will be upgraded including widening of Ryans Road carriageway to provide a west-bound right-turn central turning bay on Ryans Road.
- 508 The ITA assessed the proposed roading design as appropriate and potential impacts on the local transport network to be acceptable. Of particular note, the ITA assessed the

Ryans Road / Pound Road intersection as over-capacity in 2024 and 2038 without the development in place and remains over-capacity when adding the development generated traffic to the network. The ITA identifies the future upgrade of that intersection to a roundabout as the solution to that issue and defers that work to CCC as a Council network upgrade project.

- 509 The SH73 / Pound Road intersection has also been assessed as over-capacity in the 2038 PM peak without the development in place and remains over-capacity when adding the development generated traffic to the network. The Applicant considers necessary upgrades of that intersection to be the responsibility of the New Zealand Transport Agency (NZTA).
- 510 The SH1 / SH73 intersection has been identified as being over-capacity in 2024 and 2038 without the development traffic. The ITA states that the inclusion of the development related traffic to the 2038 model exacerbates these issues, but not significantly and the reasonably low scale deterioration in operation as a result of the proposed development is acceptable in the context of current NZTA planning for an upgrade of that intersection. The ITA also suggested that efficiency at that location can be improved with changes to the line-marking on the Pound Road north and south approaches.

Comments received

Christchurch City Council

- 511 CCC addressed transportation matters through its planning response¹⁴² and transport expert statement of evidence¹⁴³ and comments on conditions. That evidence included a peer review undertaken by Stantec. The Council indicated that agreement had been reached with the Applicant on many matters. At the time of preparation of its comments, work was continuing on conditions that were subsequently addressed in the Applicant's response to comments.
- 512 The following matters were generally agreed between the Applicant and Council, except as noted:
- (a) Internal road layout, with the exception of footpaths, where the Applicant has proposed a single footpath on each side of the road. CCC considers that a footpath should be provided on each side of the internal roads in accordance with the District Plan requirements and that this be secured by conditions of consent.
 - (b) Upgrade of the Ryans Road and Grays Road frontage and carriageway, with the exception of a shared path (providing for both pedestrians and cyclists), where the Applicant has not proposed a shared path along the Ryans Road and Grays Road frontages. CCC considers that Ryans Road in particular would accommodate traffic levels more appropriate to collector roads which require cycle provision (via a 2.5m wide shared path). It considers that the site frontages provide for shared pedestrian/cycle paths which can be fitted within the road corridors. The provision for shared pedestrian/cycle paths should be secured by a condition of consent.

¹⁴² Comments by the Christchurch City Council, CCC Reference RMA/2025/1208, prepared by Fransis White.

¹⁴³ Statement of Evidence, Andrew Milne, 15 September 2025.

- (c) The provision of vehicle accesses to Ryans Road, subject to a speed limit reduction.
- 513 The following matters were not agreed, or were unclear:
- (a) The requirement for, and funding of, the Pound Road / Ryans Road intersection upgrade and the need for a staged restriction on the development of the site until such time as the upgrades are completed.
 - (b) The intentions of the Applicant with regard to the speed limit reduction on the Ryans Road and Grays Road frontages adjoining the site, in particular any measures (such as staging) to preclude use prior to the reduction occurring.
- 514 CCC is generally satisfied with the proposed upgrade widths of Ryans Road and Grays Road, and recognises the existing constraints that the water race presents for loading opportunities such as footpaths and roadside parking. Details can be confirmed through engineering approval processes.
- 515 While CCC's preference is to minimise direct access to lots from Ryans Road, it accepts that Road 1 and Road 2 intersections accord with the relevant road design guidelines and that the proposed culverted crossing to lots "broadly accord with rural vehicle crossing designs as set out in Chapter 7 of the District Plan"¹⁴⁴. The crossing detail can be further assessed through future resource consent processes.
- 516 The vehicle crossings and intersections have been designed to a 60kph speed limit. Ryans Road and Grays Road have an 80kph limit. Lowering those to 60kph is generally supported by CCC but it must adopt a process set out in the Land Transport Rule: Setting of Speed Limits 2024 which requires technical analysis, public consultation, report and decision through the delegated authority of the Community Board¹⁴⁵ and final sign off by the Director of Land Transport. This process is likely to take up to 12 months. CCC considers that the cost of that process should be recoverable from the developer in this instance. Alternatively, the road upgrades could be revised, based on the existing 80kph speed limits.
- 517 The critical operational aspect of Pound Road relates to the performance of the Ryans Road / Pound Road intersection and its queuing storage distance on Pound Road for right turning traffic into Ryans Road. Identification and planning for upgrades of such public loading infrastructure occasioned by such development is typically addressed through a plan change. In this case, the consent sought circumvents that process.
- 518 CCC considers that the ITA suffers from a lack of calibration for the intersection models and some potential uncertainty regarding future traffic growth. This can impact accuracy, including for truck and trailer traffic impacts on the capacity of the intersection.
- 519 For CCC, Andrew Milne (Team Leader Asset Transport Planning) noted at [31] of his statement¹⁴⁶:

¹⁴⁴ Statement of Evidence, Andrew Milne, 15 September 2025 [12].

¹⁴⁵ Waimāero Fendalton-Waimairi-Harewood Community Board.

¹⁴⁶ CCC comments – Appendix 8 – Transport.

[31] The absence of model calibration can have a noticeable effect on the accuracy of the results particularly, as suggested from previous studies of the Pound Road corridor¹⁴⁷, that an estimated 10% of total traffic on Pound Road is 'truck and trailer' combination. When loaded, these vehicles demand greater distance for stopping and greater time for accelerating / joining traffic flow.

520 Mr Milne conceded:

[32] The current operation of the intersection has benefited from recent improvements including road surface resealing on the Pound Road approaches (2024) and a speed reduction from 80kph to 60kph on the Pound Road approaches to the intersection (2020). While these improvements provide a higher level of safety, they do not offer material capacity improvements.

[33] The resealing of Pound Road in 2024 provided additional seal width beyond the edge lines on approach to the Ryans intersection. Whilst the edge seal is to provide a safe margin from the unsealed road edge and protect against edge break, this new seal width is being used by northbound Pound Road traffic passing stationary/slowing right turning traffic into Ryans Road.

521 His primary concern was expressed at [34] to [36]:

[34] Pound Road is an Arterial Road and accommodates strategic freight traffic. It has been described as a freight bypass and previously identified as a potential strategic freight route. As an arterial road Pound Road has a primary through traffic function. The District Plan requires that such roads are given the highest protection.

[35] In this regard, a critical operational aspect of Pound Road relates to the performance of the Ryans/ Pound intersection and its queuing storage distance on Pound Road for right turning traffic into Ryans Road. As the edge of the taper down there is no ability to safely pass right turning queuing/slowing traffic when the right turn queue exceeds the available storage length. Once this right turning queuing storage length is fully occupied, northbound Pound Road traffic will come to a halt.

[36] It is therefore likely that with the intersection in its current form, increased turning traffic from Pound Road to Ryans Road (particularly freight traffic) will affect the number of occasions when blocking of Pound Road will occur. This has implications for the loss of efficiency of this freight route, access to the application site and areas beyond and safety issues associated with the increased potential for crashes caused by failure to slow for right turning traffic from Pound Road.

522 He noted at [37] that while increases in these turning movements can be attributed to several sources, the ITA "indicates a significant volume of traffic (up to 20% at 2038) can be directly attributed to this subject fast track application".

523 At [55] Mr Milne identified that CCC "is currently initiating a maintenance project along Pound Road, from Waterloo Road to McLeans Island Road. This excludes the recently improved section between Yaldhurst Road (SH73) and Ryans Road. The project will primarily focus on shoulder widening for safety and resilience of the corridor and strengthening the road pavement in both depth and width to reflect the high impact of freight on the road surface."

524 Aside from the above, Mr Milne confirmed that there are no other committed road and infrastructure improvements at this time that support the suggestion that Council is able to deliver the local road improvements as identified in the Application. Council had

¹⁴⁷ Developing an Investment Strategy for Pound Road corridor, CCC Memo – 25 September 2019.

previously explored a roundabout upgrade in response to the intersection's poor crash record but land purchase requirements exceeded the budgeted amount allocated to the project, and it did not meet NZTA's criteria for funding assistance for safety improvements. CCC removed that project from its LTP capital programme and it does not currently appear as a growth project in the Development Contributions Policy Schedule of capital expenditure for assets.

- 525 CCC advised us that funding of the intersection upgrade cannot therefore be sourced from development contributions at this time but under Development Contribution Policy 10, financial contributions enable the Council to charge a developer for the cost of work required to mitigate the effects of development on the natural and physical environment caused by the new development. CCC considers that managing effects of development on the local roading network can be achieved through a combination of physical works, altering the development proposal, or providing funds towards mitigating the effects created by the proposal. A 'developer agreement' can be a mechanism in which funding for infrastructure upgrades occur. CCC suggested that this requirement could be imposed through a condition, and offered the following as possible trigger (staging) points as to when the stage restriction would apply:

The subdivision shall be carried out in stages. Each stage is to be in accordance with the staging shown on the application plan. The development may proceed in stages in no particular order in accordance with the approved subdivision plan except as set out below.

The second stage must not occur until either:

- a. *The intersection of Pound Road / Ryans Road is upgraded to a roundabout; or*
- b. *The modelling has been updated and demonstrated to the satisfaction of Council that the intersection can safely accommodate the additional traffic demands associated with the proposal. The second stage must not occur where the subject model demonstrates the average queue length associated with right turns into Ryans Road extends beyond the available stacking space for the modelled period and that stacking beyond the available space is attributable to the development. This modelling shall be based on an agreed annual turning movement survey of the intersection arranged by the consent holder and provided to Council for input into the agreed model.*

At each stage, any balance land is to be left as a fully serviced allotment.

- 526 CCC outlined its role in assessing and assuring Traffic Management Plans. We noted that CCC and the Applicant have agreed on relevant conditions.

New Zealand Transport Agency

- 527 NZTA identified that the development will have an impact on four state highway intersections; SH73/Pound, SH1/SH73, SH1/Ryans, and the Dakota Park interchange on SH1.

- 528 NZTA agrees that SH1 / SH73 intersection is over-capacity in 2024 and 2038, even without the development traffic added to the surrounding road network. NZTA does not agree with the statement in the ITA that NZTA are 'actively planning and funding an upgrade'. No upgrade is currently funded in the current National Land Transport Plan 2024-2027. There is no confirmed timeframe on when this upgrade may be funded.

- 529 Significant volumes of traffic currently use Pound Road as an alternative route to SH1, due to congestion at the SH1/SH73 intersection. NZTA is concerned that with additional

traffic from the development travelling on Pound Road there will be increased delays at SH73/Pound Road roundabout.

- 530 One main access point to Ryans Road is off SH1, through a left in left out (LILO) system. This left in left out was designed for low volume traffic, primarily light vehicles. With this development, more vehicles will be entering/exiting through the LILO system. At present, this system has no slip lane for traffic to enter the state highway. This would cause longer queues at this intersection.
- 531 The final access point to Ryans Road is through the Dakota Business Park. This is the most suitable access point, as it is designed for heavy vehicles, and has suitable access points for southbound and northbound traffic.
- 532 NZTA expressed a willingness to further engage with the Applicant to resolve issues raised through conditions, further modelling, and independent verification.

Martin O'Neill and Shane O'Neill / TWT Holdings Limited

- 533 The O'Neills and TWT Holdings Limited are members of PRC Limited which comprises owners of land between Ryans Road and Yaldhurst Road.
- 534 Amongst other matters, they are particularly concerned about potential traffic effects on the Pound Road / Ryans Road intersection and wider traffic/transport effects, including potential effects on the Pound / Yaldhurst / School Road / Old West Coast Rd intersection. Concerns include their understanding that there is no sufficient legal mechanism for NZTA to share costs with developers whose proposals will generate additional traffic utilising such state highway assets.

Applicant's response to comments

- 535 The Applicant addressed transport-relevant comments in a memo prepared by Nicholas Fuller of Novo Group¹⁴⁸. The Executive Summary of that response as it relates to transport matters is as follows:

(i) *Shared Path Request: Council has requested a 2.5m wide shared pedestrian/cycle path along the Ryans Road and Grays Road frontages. There is uncertainty about whether this can be accommodated within the existing Ryans Road corridor, as widening may impact the water race on Ryans Road or require shifting the road centreline. The shared path would be an isolated facility, with no onward connections to existing shared paths in the area. As such, I consider the effects of not providing this shared path are acceptable and there is no need for Council's suggested condition.*

(ii) *Undergrounding of Power Poles: Council's amendments require undergrounding of existing power poles along the road frontages. This would incur additional costs and may not be necessary given that traffic volumes are not expected to increase and reduced vehicle speeds will improve safety even if poles remain. Again, I consider there is no need for Council's suggested condition.*

(iii) *Internal Footpaths on Both Sides: Council has suggested a requirement for footpaths on both sides of the new internal roads, as the application proposes footpaths on one side. Although providing footpaths both sides of the road would be ideal, providing a footpath*

¹⁴⁸ FTAA-2504-1054: 104 Ryans Road, Christchurch Applicant S55 Response to Transport Comments; Novo Group, 19 November 2025.

on only one side is consistent with similar industrial developments (e.g., Dakota Park) and I consider the adverse effects are not significant.

- (iv) *Ryans Road / Pound Road Condition: Council suggested a condition regarding the provision of additional traffic modelling to confirm the effects of the proposed development (particularly on the right turn from Pound Road to Ryans Road east) are acceptable. Additional modelling has been undertaken, which confirms that the average right turn queue fits within the available widening. As such, I consider there is no need for this condition.*
- (v) *Road Safety Audit Condition: The current traffic safety audit condition requires that the detailed engineering design of the transport network must incorporate the recommendations from the preliminary safety audit conducted by the Safety Engineer. However, there is a concern that the audit process might reopen discussions on issues previously resolved in the Panel's decision and conditions, such as the undergrounding of power poles. To address this, it is suggested that the condition be amended so that the design must either incorporate these recommendations or provide a satisfactory response, allowing flexibility and recognition of matters already settled.*
- (vi) *NZTA Submission: The NZTA submission raised concerns about not quantifying / assessing transport effects at three key locations: the SH1/SH73 intersection, Pound Road (including the Pound Road/SH73 roundabout), and the SH1/Ryans Road intersection. Assessment of these matters were all provided in the ITA submitted with the application in March. Furthermore, the Hornby Strategic Case Study will consider these impacts across the broader network, and a meeting with NZTA representatives confirmed ongoing dialogue, though no further conditions have been proposed by NZTA to date.*

536 We note that Mr Fuller has provided additional assessment of the predicted stack length for vehicles queuing north-bound on Pound Road to turn onto Ryans Road, for the a.m. and p.m. peaks. He confirms that the stacking length will fit within the available sealed road width and maintain space for straight through traffic to pass.

Requests for further information

537 Minute 6 sought specific feedback from CCC in relation to the Applicant's proposed response to Transport issues raised in comments.

538 CCC provided a response, dated 18 December 2025, based on its review of Mr Fuller's response prepared for the Applicant.

539 It concluded that the Applicant's modelling may still under-estimate the existing identified poor levels of service for critical movements. Given the Applicant's preference to avoid a staging condition, the Council would be open to working with the Applicant and other parties to investigate upgrades to the Pound Road / Ryans Road intersection.

540 Infrastructure and services associated with urbanisation would typically be coordinated through an Outline Development Plan included in the District Plan. The resource consent process under the FTAA circumvents that approach. Council's position is that other upgrades in the area, including the Pound Road improvements, may contribute to increase demand for cycle infrastructure and that while the shared paths will not link to similar infrastructure in the short term, they will connect other parts of the transport network more suitable for shared traffic. This may be the only opportunity to secure a shared path in this location in the short to medium term. Consequently, a 2.5m wide shared path is recommended along Ryans Road and Grays Road.

- 541 Changes to the layout of Ryans Road will reduce the clear zone between traffic lanes and existing power poles, while the industrial activity will increase the volume of traffic on Ryans Road. In combination these factors contribute to an increased likelihood of vehicle collision, and hazard to emergency responders. Undergrounding of powerlines and establishment of frangible lighting poles is requested. It aligns with CCC Infrastructure Design Standards, NZTA Specifications for Lighting Columns and Light Design, and Orion's Network Connection Standards, and contributes to the safety of road users.
- 542 NZTA provided a response to Minute 6 dated 18 December 2025. That response includes a suite of conditions it sought to address potential adverse transport effects on its roading network. In summary, those conditions sought:
- (a) A staged approach to the development to ensure that LOS at the Pound Road/State Highway 73 (SH73) intersection is not worsened beyond the present-day LOS, as a result of Stage 1 or 2 of the development in combination with traffic generation from the surrounding locale.
 - (b) Prior to s224 certification of Stage 1, a design to be prepared for the upgrade of the SH73 / Pound Road intersection. NZTA considers that apportioning a roundabout upgrade to the Applicant is reasonable given that it was identified in the ITA as a potential reason to transport impacts at that location.
 - (c) Prior to commencing works to upgrade the Pound Road and State Highway 73 roundabout, the Consent Holder shall enter into a Private Developer Agreement with NZTA to attribute responsibilities and funding arrangement between the parties.
 - (d) A CTMP for those works.
 - (e) Complete the works before s224 certification of Stage 1 of the development.
 - (f) Assessment of the intersection function and any additional works required prior to issue of s224 certification of Stage 2 of the development.
 - (g) Subsequent roading responses if identified as necessary prior to s224 certification of Stage 2.

CGL Package

- 543 On 2 February 2026 the Panel issued Minute 9. That Minute included the following request for further information (**RFI**).

Request for further information

[21] Pursuant to section 67 of the FTAA the Panel directs that the Applicant file by 5 pm on 23 February 2026 a complete final package of:

- (a) Consent conditions;
- (b) Expert commentary on whether the consent conditions are appropriate; and
- (c) Legal submissions explaining how the application should be assessed in the framework of the FTAA.

[22] For the avoidance of doubt, noting that our previous directions to the Applicant related to procedural matters only 10, we record that the Applicant's final package may include the Applicant's response to substantive matters regarding air safety of airport operation raised by CIAL and Airways should it wish to do so.

- 544 The Minute, and the RFI provided above, was primarily focused on matters associated with air safety and airport operations. In its CGL Package the Applicant included a detailed statement on Transport matters, prepared by Mr Fuller. This statement responded to the RFI responses to Minute 6 provided by CCC and NZTA.

- 545 The Panel has considered that response and it does address the conditions proposed by the Applicant and this, in isolation of other matters addressed in Minute 9, meets the wording of item [21](b) of that Minute.

- 546 The Panel has read and considered Mr Fuller's response in detail.

- 547 In his executive summary, he states in relation to CCC comments:

Christchurch City Council

2. The Council's comments primarily relate to the traffic modelling undertaken for the Pound Road / Ryans Road intersection, including the model basis, growth assumptions, calibration and the need for a staging condition tied to future modelling or intersection upgrades. The ITA was undertaken using the most up-to-date strategic model available at the time of lodging the Application, which Council acknowledges. Council's proposed condition leads to the potential to include uncertain or unapproved land use changes and this may prejudice Stage 2 of this development.

3. In relation to model calibration, I consider that the approach adopted is conservative and potentially overstates adverse effects. The calibration process specifically worsened the operation of the critical right-turn movement into Ryans Road (from Pound Road) during a period affected by roadworks. Once those roadworks are complete, it is reasonable to expect driver behaviour and intersection performance to improve toward default conditions. On this basis, I consider the modelled outcomes represent a worst-case scenario rather than a likely future state.

4. Overall, I note that neither I, nor the Council, have indicated that there would be significant adverse effects at the Pound Road / Ryans Road intersection if the development proceeds and it is not upgraded. Therefore, the Council's staging condition is not required.

548 At paragraph [10] he states that he has not taken account of another concurrent application for industrial development further south on Pound Road, as that consent is not yet granted. As a matter of law, we accept that approach.

549 At paragraph [11] he states:

The projected traffic growth allowed for in the model adjusts Council's own 2038 forecasts plus additional increases specifically in the Dakota Park, Waterloo Park and Main South Road industrial areas. This acknowledges that the underlying Council growth projections are potentially low and provides a more robust approach than simply adopting the Council 2038 model.

550 At paragraph [12] he states:

In summary, I agree with Council that the version of the model was the most up-to-date at the time of preparing the Application. This model remains as the most up-to-date version for the subsequent assessment and S55 responses, and as such I consider this to be a sound basis for assessing the traffic effects of the proposal. I disagree with Council's suggestion to include speculative potential growth areas in the modelling, as these have no certainty.

551 At paragraphs [13] to [15] Mr Fuller considers his Model Interpretation & Trip Rates "robust" when compared to assessment made for other noted developments.

552 At paragraph [16] he confirms that he has based his assessment on the existing NZTA network and has not relied on any planned for other future network upgrades.

553 At paragraphs [18] to [21] Mr Fuller addresses CCC's criticism of his model calibration, which occurred during a time of significant road works on Ryans Road. He notes that his calibration worsens the operation of the right turn from Pound Road into Ryans Road, being the critical movement that the Council have identified within their proposed condition for this intersection. Consequently, he considered that "the intersection modelling undertaken in my previous response would likely be conservative and the intersection would operate better than anticipated".

554 At paragraph [26] he states:

Overall, I consider there is no need for Council's proposed staging condition and that sufficient evidence has been provided that the effects at the Pound Road / Ryans Road intersection are acceptable. I also note that neither I nor the Council have identified that the potential adverse effects of the full development proceeding without the upgrade at this intersection would be significant.

555 Mr Fuller reaffirmed his position regarding the need for a shared path, and the CCC request to underground the power lines on Ryans Road. He agreed that undergrounding is generally considered good practice for road safety outcomes, but noted in [29] that "with regards to the reduced speed limit, there is still a safety benefit even without undergrounding the power poles when compared to the 'without development' scenario as a result of this proposal".

556 In his executive summary, he states in relation to NZTA comments:

5. *The NZTA response seeks a suite of staged conditions requiring intersection upgrades, developer agreements, further modelling and certification prior to the progression of both Stage 1 and Stage 2 of the development. I disagree with the NZTA's position that upgrades to the SH73 / Pound Road intersection are required prior to development proceeding. The traffic modelling demonstrates that the intersection operates at Level of Service F for specific movements without the development, and that the proposal results in increased*

delay to those same over-capacity movements during the weekday PM peak only. While this increase in delay is not desirable, it is not unusual within the Christchurch network and remains comparable to (or better than) the operation of other strategic intersections that are currently tolerated. I also consider that the safety of this intersection would not be significantly adversely affected without the upgrade occurring prior to full occupation of the development.

6. *I also disagree that further modelling is necessary at later stages of the development. The modelling already assesses the full development scenario using the best available information at the time of application and in preparing this response. As with the Council's suggested condition, requiring ongoing modelling risks introducing speculative future network changes, growth areas, or study outcomes that were not part of the original assessment basis and are unrelated to the effects of this proposal. As such, I consider the NZTA conditions are not required.*

557 Mr Fuller gave particular attention to the Pound Road / SH73 intersection. He noted the current Level of Service (LOS) F without the development with delays of 137 to 143 seconds, and the predicted increase to 195 and 200 seconds as a result of the proposal. He recommended that NZTA undertake the line marking changes that he identified in the ITA, which would (at [32]) "*provide additional capacity and remedy both the without and with development traffic volumes through this intersection*". Nor did he consider that the roundabout intersection would present an unacceptable safety risk with the development.

Panel findings

558 The Panel recognises that the consents sought under the FTAA in this instance necessitate the consideration of matters that would otherwise be addressed through a plan change (rezoning) process under the District Plan. Consequently, the proposal cannot automatically assume an entitlement to generate off-site transport impacts associated with anticipated development within an existing industrial zone.

559 Having considered all of the comments received, the Applicant's responses and RFI responses, we generally accept the proposed roading upgrades and internal road design, and address the following matters by exception.

560 The Panel acknowledges the CCC position that internal roads should incorporate footpaths on both sides as an ideal outcome. The Applicant also accepts that would be an 'ideal' outcome but it is not a necessary outcome. We note the Applicant's response that pedestrian traffic is likely to be low within the site, and that single sided provision of footpaths is consistent with other recent developments within the vicinity, such as Dakota Park. We noted the single-sided footpaths within Dakota Park during our site visit. However, we observe that the lot density of the proposed development is significantly greater than that of Dakota Park, particularly in the blocks framed by Ryans Road, Grays Road and proposed Road 4. On balance, we prefer the outcome sought by CCC. The provision of footpaths on both sides of each internal road is an appropriate outcome for the development, and we find that such must be created during its construction. We have added condition 82A accordingly. .

561 In considering the CCC requests for of 2.5m wide shared paths on Ryans Road and Grays Road, we are mindful of the spatial constraint that the naturalisation of the water race and landscaping within the site places on footpath options. At this time, future development of properties on the south side of Ryans Road is not proposed, albeit that that is anticipated to occur at some future time. On that basis, we do not consider it

appropriate to second-guess any further upgrades to the southern side of the road and the Project is limited to addressing access and traffic management associated with the development. Nor has any party identified a destination for cycle traffic beyond the Ryans Road / Grays Road intersection or a cycling strategy that supports that route. Nor would a shared path as requested connect to any similar facility. The nearest footpath from Grays Road is the 1.5m wide footpath at George Bellew Road to the north of the site. There is no footpath connection between Ryans Road and SH1. While there is an informal cycle lane beside the northbound lane of SH1, there is no footpath in that area. Consequently, we find that the 1.5m wide footpath proposed for the northern side of Ryans Road and the western side of Grays Road would provide an acceptable level of service. A requirement for a 2.5m shared path is not supported.

562 We accept CCC's position and Mr Fuller's acknowledgement that the undergrounding of power lines is best practice. However, again, the upgrading of the water race does present limitations to available space at this time. The Panel does consider that the reduced speed limit to 60kph will reduce risk of serious injury. In that regard and for general traffic safety reasons including the use of the proposed access points along Ryans Road, we find it appropriate to impose a restriction on development until such time as that speed limit is imposed. In response, the Applicant offers Condition 20 that, other than site development works, prevents the establishment and / or operation of activities enabled by the consent until such time as the speed limit on the adjoining sections of Ryans Road and Grays Road is reduced to 60km/h or lower. This addresses the matter to our satisfaction. This has been addressed by the Applicant in Condition 20.

563 We have carefully considered the Applicant's response regarding the Ryans Road / Pound Road intersection. This includes considering its observations during its site visit. Mr Fuller assesses that the queue length on the northbound approach to the intersection can be accommodated by the existing sealed road width such that left-turning and straight through traffic can pass the queue. As mentioned earlier, he also considers the queue prediction to be conservative. In this regard, Mr Fuller states at paragraph 24 of his response to comments:

The predicted 2038 with development average queues are 58.5m in the AM peak hour and 7.4m in the PM peak hour. These are both within the length of the 60m right turn facility and therefore it is considered the intersection operation is acceptable and the requirement of the above condition is met and no restriction on the staging of development relative to the timing of upgrades to this intersection is required.

564 Mr Fuller's queuing analysis¹⁴⁹ has provided the Panel sufficient reason to conclude that the need for a full roundabout upgrade of the intersection cannot be reasonably be attributed to the proposed development. Such an upgrade has already been flagged by CCC based on the existing under capacity of the intersection, albeit that the funding for such has not been currently identified and committed to by the Council. We accept Mr Fuller's queuing analysis and he has confirmed that his modelling has been based on the best available information.

565 However, while we accept Mr Fuller's queuing analysis at face value, it is apparent that the function of the intersection as assessed by Mr Fuller may require remarking and potentially seal extensions, as a minimum. Those works would come at a cost. We do

¹⁴⁹ The predicted 2038 with development average north-bound queues are 58.5m in the AM peak hour and 7.4m in the PM peak hour.

not form an opinion on that cost share, but we do accept in principle a condition that requires a review of the predicted intersection performance before full occupation and use of the development occurs. If Mr Fuller's analysis is correct, then the conditions may not result in any additional upgrades that are attributable to the proposal before the final stage of the development is undertaken. Likewise, should CCC upgrade the intersection before the final stage, there would be no potential delay to the stage completion. We have redrafted the CCC condition to allow the physical works necessary to form all internal roads, and the upgrade of Ryans Road and Grays Road to occur without restriction. We have also taken a more flexible approach to staging, basing it on completion of 50% of the lots, rather than confining the development to the staging plan provided with the application. The condition is inserted as Subdivision Consent Condition 3. Options for intersection upgrades, subject to separate agreements on funding and delivery, can be confirmed between the developer and CCC if and when necessary. They do not need to be identified and confirmed at this time.

- 566 Regarding the Traffic Safety Audit conditions sought by CCC, we favour the wording proposed by the Applicant. That will ensure that (a) the detailed engineering design can accommodate outcomes already locked in by consent and (b) achieve some flexibility in how it responds to the audit to give effect to the safety outcomes of the audit. This is provided by the Applicant as Condition 80.

Detailed engineering design for the transport network must ensure the recommendations of the Safety Engineer in the preliminary scheme design (concept) safety audit are incorporated in the design or satisfactorily responded to.

- 567 With respect to matters raised by NZTA, the Panel acknowledges NZTA's willingness to address matters through further discussion with the Applicant and appropriate conditions. Subsequent to receipt of NZTA's 253 FTA comments, further engagement had occurred with the Applicant. NZTA provides its proposed conditions in its Minute 6 response.

- 568 We accept the Applicant's position that NZTA's Hornby Strategic Case Study will incorporate effects of existing and anticipated development as enabled by zoning and consents. That would apply to the development, should it be consented. That does not exempt the development from mitigating effects that it has on the transport network.

- 569 NZTA has raised concern about additional industrial traffic use of Pound Road, as an alternative route to SH1. We agree with the Applicant that CCC has not raised concern about traffic impacts on Pound Road, aside from at the Ryans Road intersection. The Panel accepts that the traffic generated by the development may result in an adverse effect on the SH73 / Pound Road intersection. This had been identified in the ITA at paragraph 74 and the Minute 9 response at paragraph 32.

- 570 The Applicant considers that the same remarking of the roundabout will resolve the predicted LOS with and without the development. Conversely, NZTA states in its Minute 6 response that:

However, the current layout will only allow dual exit on the east, south and west arms. The limited exit capacity on the north arm is therefore a safety concern. We also note that this north arm exit will be heavily trafficked by traffic generated by the Carter's development. It is considered appropriate for Carters to widen this north arm exit in accordance with NZTA design standard.

571 Having carefully considered this matter, we find that existing and progressive changes to the LOS at the Pound Road / SH73 intersection is best addressed through network-wide planning. In that regard, we do not impose an obligation on the Applicant to provide such upgrades, but do encourage NZTA to consider at least the remarking suggested by the Applicant as an interim mitigation to traffic LOS at that location.

572 With respect to the Ryans Road / SH1 intersection, the Panel accepts that additional industrial traffic may result in additional queuing on Ryans Road, although alternative access routes are available via Grays Road and Dakota Park. However, we are not convinced that that will result in a material impact on SH1. We find that the effects on the function on that intersection will be acceptable.

573 For completeness, the Panel finds that the outcome of its assessment provided above will appropriately address transport efficiency concerns raised by Martin O'Neill and Shane O'Neill, and TWT Holdings Limited.

Applicant's s70(4) response and Panel findings

574 Mr Fuller's memorandum dated 24 April 2026 filed with the Applicant's s70(4) response stated that our proposed staging condition is unnecessary and not supported by the evidence (paragraph 3). We note Mr Fuller's additional traffic surveys and modelling of the Pound / Ryans road intersection as part of his response. We understand the additional 31st March traffic surveys were undertaken at a time when Ryans Road was open (although with traffic light controls to the east of Grays Road beyond the development site) and Grays Road was closed and that there was no opportunity to undertake surveys with 'normal' traffic volume given the road works.

575 In his response Mr Fuller reiterated his earlier evidence that the estimated right turn queue length is 60m (taken from the centre of the intersection to where the existing Pound Road northbound lane sealed width (including shoulder) is 6m wide to accommodate passing of queued vehicles). Mr Fuller also reiterated that the average queue lengths with the full built development are 58.5m (based on the Council's 2038 growth forecasts, plus additional increases specifically in the Dakota Park, Waterloo Park and Main South Road industrial areas), which is within the length of the 60m right turn facility. Mr Fuller therefore, considers the intersection operation is acceptable and no restriction on the staging of development relative to the timing of the upgrades is required.

576 We find that, with an average queue length in the am peak of 58.5m and with a 60m queue length available, there is no available queue length for an additional vehicle. We note 58.5m is the predicted average queue length, and that it could be in excess of this average at times. We also note that there are many assumptions relied upon in the transport modelling. These include the types of activities and transport requirements occurring on the Ryans Road site and the number of light vehicles versus those with trailers attempting to turn right. We note that the traffic modelling is based on a CAST model that, while being the current accepted model, all parties agree is out of date. We note that the actual traffic surveys undertaken by Mr Fuller were conducted when Greys Road was closed to traffic and we do not accept Mr Fuller's assumption that current right turn volumes are not materially affected by the road works occurring further down Ryans Road and the closure of Grays Road. We consider it likely that traffic familiar with those works will be avoiding that route. We note there is no assessment provided on the relative proportion of familiar traffic versus one-off / unfamiliar movements.

- 577 Whilst we acknowledge Mr Fuller's evidence that 6m is sufficiently wide for vehicles to pass queuing vehicles, we note he does not consider road marking is required to support this. Current marking would require some vehicles to cross the outside white line and travel on the shoulder, especially wider heavy goods vehicles. Without upgraded road markings we consider it possible that some drivers may be hesitant to cross the existing white lines¹⁵⁰ and may not pass queuing vehicles. Heavy goods vehicles may not risk travelling on the potentially less stable shoulder of the road. In those circumstances there will not be the through routing anticipated by Mr Fuller and thus, the queue will be longer than predicted.
- 578 Finally, we note that the 60.4 ha Pound Road FTAA industrial application has recently been granted and we understand from the decision that when fully developed (anticipated around 2038) this 74 lot subdivision is predicted to generate approximately 922 heavy vehicle movements per day, with most of that traffic expected to use Pound Road.¹⁵¹
- 579 Given our observations, we consider that there remains material uncertainty that the proposed development will not create issues at the Pound Road / Ryans Road intersection. We therefore remain of the view that the staging condition is appropriate and relevant to potential effects of the development. Through the Stage 3 hold point as worded, if subsequent modelling confirms that the balance development will not result in an unacceptable level of service or safety at the intersection, then Stage 3 can be released. To provide additional flexibility, we have however amended the staging condition to enable Stage 3 release if a developer agreement is entered into with the Council to upgrade the Pound / Ryans road intersection. In that regard, we do not direct that the funding or delivery of the upgrade be assigned to a specific party. That can be resolved through the agreement process, as it might be through a plan change application under the RMA.
- 580 Regarding footpaths, the Panel is not persuaded by Mr Fuller's s70(4) response that there is no effects basis for the inclusion of footpaths on both side of the internal roads. While we accept his assertion that he did not intend to imply that such is not required simply because it is not provided in the Dakota Park industrial area, we remain of the view that the size and density of lots proposed does support footpaths on both sides. This will enhance the accessibility of the development and will support walking, consistent with CDP Policy 8.2.2.5(ii). We also note having footpaths on both sides of the road is consistent with the Council's infrastructure design standards and also consistent with the recent Pound Road FTAA application, which anticipates similar industrial activities occurring to the Ryans Road proposal.
- 581 The panel has considered whether the staging condition (including the changes discussed above) are legally available (in the sense of the well-known RMA tests), and also whether the conditions represent the least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the Act. In summary the panel considers that the condition meets these requirements.

¹⁵⁰ Either because they do not consider it legal or are not comfortable doing so.

¹⁵¹ Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024 [FTAA-2505-1057], May 2026, Paragraph 217

Urban Design

Proposal

- 582 The AEE identified urban form and design effects (in paragraphs 173 to 177), relying on the technical report by DCM Urban Design Ltd (**the DCM report**).¹⁵² The DCM report identifies the existing site character (consistent with the landscape and visual amenity report assessment). It also assesses effects on urban design matters, stating that the most prominent effects on urban design matters are expected to arise from the permitted density, visual bulk and location of buildings between the existing and proposed theoretical zoning of the proposal site, with the site essentially becoming similar to a General Industrial Zone in terms of built form.
- 583 The AEE states that the key anticipated urban form and design changes proposed include [175]:
- Increased density and smaller lot sizes: The subdivision will result in smaller permitted lot sizes, leading to a greater number and increased density of developments on the site;
 - Greater building height and bulk: The 'zone change' allows for a greater building height allowance and increased building bulk compared to the current RUF zoning;
 - Proximity of buildings and activities to boundaries: Future buildings and activities, including yard material storage, are expected to be located closer to roads and internal boundaries; and
 - Increased site coverage: There will be greater site coverage by buildings and storage areas, leading to an increased intensity of built form and structure.
- 584 The DCM report states that while the proposal will introduce urban form to the proposal site, which will be markedly different to the current rural form that exists on the site (and is permitted), from an urban design perspective this change is not considered adverse, given the Site's location and that the RUF and IG zones are often adjacent to one another.
- 585 The DCM report assesses the proposal with reference to the seven criteria contained within the New Zealand Urban Design Protocol, concluding that:
- Regarding context, the industrial subdivision is considered appropriate for the receiving environment;
 - Regarding character, the proposed industrial subdivision reflects the distinctive character and land use around Christchurch International Airport, which consists of a mix of farmed paddocks and industry. The development expands on the 'industry' part of this established character to the south of the airport, while a reasonable level of farmland is maintained by the properties neighbouring the development site;
 - Regarding choice, the proposal works well by providing greater choice and potential locations for businesses in the airport area. The design of the

¹⁵² 104 Ryans Road – Industrial Development Urban Design Assessment, 4 March 2025.

subdivision itself further builds on the provision of choice, through the supply of a range of lot sizes, to accommodate an assortment of space requirements and business scales;

- Regarding connections, the site is well-connected, with a range of transport routes available to and from the site, including close associations with major arterial roads and the airport. The physical layout of the subdivision is clear, easily understood, and is expected to be easily navigated in future;
- Regarding creativity, the subdivision will eventuate in a more comprehensive design of the site and individual lots, which will hold opportunities for creative design solutions;
- Regarding custodianship, the subdivision is not proposed in an area which will adversely compromise landscape, ecological or cultural heritage values, but will be viewed as an extension of existing airport development, and integrate well into the receiving environment. As the design of the subdivision and individual lots develop, there will be increased opportunities to provide sustainable solutions, use 'green' technology and incorporate renewable energy sources. At a high level, the subdivision is supportive of Crime Prevention Through Environmental Design (CPTED); and
- Regarding collaboration, the proposal has required input from several disciplines to achieve a full understanding of the site, come up with potential designs and identify ways forward. Future development of the site will continue to rely on the expertise of various consultants, including engineers, planners, architects and landscape architects, to achieve high-quality and sustainable outcomes.

586 The DCM report also assesses the proposal against CDP urban design relevant objectives and policies, commenting on:

- 17.2.1.1 Objective – The rural environment;
- 17.2.2.1 Policy – Range of activities on rural land;
- 17.2.2.3 Policy – Establishment of industrial and commercial activities;
- 16.2.1.1 Policy – Sufficient land supply;
- 16.2.1.3 Policy – Range of industrial zones; and
- 16.2.3.2 Policy – Managing effects on the environment.

587 Responding to Policy 16.2.3.2 - Managing effects on the environment, the report states that given possible adverse effects, the subdivision has been designed with the site's rural-urban fringe surroundings in mind, particularly with the implementation of a 3m wide landscape strip at the site's road facing boundaries intended to screen views and soften the appearance of built form, and future buildings complying with the applicable CDP built form standards.

588 The DCM report concludes that the proposal will not have any adverse effects from an urban design perspective as:

- The site is an appropriate location for industrial development given its rural-urban fringe position, high level of accessibility, and location in close proximity of SH1, SH73 and the airport;
- Although the industrial subdivision will introduce a greater scale and intensity of development on the proposal site than is permitted under the current zoning, there is a functional requirement for industrially zoned land, and the proposal is appropriately located given the receiving context;
- The proposed industrial subdivision aligns well with the '7 c's' of the New Zealand Urban Design Protocol, which outlines aspects to be considered in order to achieve high quality urban design outcomes; and
- The proposed industrial subdivision responds favourably to the relevant Industrial zone policies under the CDP, as relevant to urban design.

589 The AEE states that overall, the urban design assessment concludes that the proposed industrial subdivision and future development in accordance with the IC Zone rules is supportable from an urban design perspective and is not anticipated to have any adverse urban design related effects, considering the site's location, existing context, and alignment with urban design principles and planning policies [177].

Comments from parties

Christchurch City Council

590 CCC provided comments on the subdivision urban design [139 to 143]. CCC consider the subdivision site sizes will be of a size and dimension enabling a range of activities provided for by resource consent. CCC state there are no matters in dispute relating to subdivision or urban design and refer to comments provided by Mr Field¹⁵³.

591 Mr Field identified relevant CDP policies for the rural zone and made the following urban design comments:

- the subdivision is well located in association with Christchurch airport uses. Whilst the site is somewhat detached from the existing nearby 'Dakota Park' Specific Purpose (Airport) Zone, which is used for mostly warehousing and distribution facilities the site is nonetheless in reasonably close proximity to these activities;
- The footpath linkage along Grays Road to the existing footpath at George Bellow Road is a positive contribution to the area for pedestrian connectivity;
- The RUF zone bounded by Grays, George Bellow, Ryans Road and State Highway 1, may be proposed as Specific Purpose (Airport) Zone or industrial use in the future. If this occurs, the grid layout of the application proposal would provide for good potential for future integrated linkages between these areas; and
- No cycle or public transport provisions are proposed. Whilst cycle volumes are likely to be low in the subdivision given the distance to cycling origins and destinations and the 'barrier' created by SH1, cycle use is also likely to increase in the future which could be addressed at a later stage.

¹⁵³ Contained in Appendix 9 of Christchurch City Council's comments.

592 CCC concluded that the design and layout of the subdivision is appropriate.

Applicant's response to comments

593 Ms Bruere's Urban Design and Landscaping report provided responses to CCC's urban design comments, along with responses on landscape and amenity matters.¹⁵⁴ As they more closely apply to visual amenity and landscape matters, these have been considered in our visual amenity and landscape section.

Panel findings

594 We consider assessing the proposal against the CDP's rural policies is not overly informative, given that the proposal seeks a comprehensive industrial development that is clearly not provided for in the RUF zone and is contrary to RUF objectives and policies that refer to rural environments, rural activities and limited opportunities for industrial activities. Of the industrial policies assessed, we find Policy 10.2.3.2 – Managing effects on the environment to be the most relevant for urban design considerations, and we accept that the proposal adequately responds to this policy, and is acceptable overall through the design and layout of the subdivision, proposed conditions and reliance on relevant CDP provisions.

Landscape and Visual

Proposal

595 The AEE addresses landscape and visual amenity effects (paragraphs 162 to 172), relying on technical advice and landscape concept plans from Ms Bruere, contained in Appendix 11.¹⁵⁵ Supplementary landscape information including cross sections were also provided.¹⁵⁶ The technical advice includes a description of the receiving environment and an assessment of landscape character and values and visual amenity effects, including an assessment of the relevant statutory provisions and site specific assessments. The advice recommends a 3m native landscape strip along Ryans and Grays Road as mitigation, reaching a maximum height of 12m, which is anticipated to screen the latter part of any future industrial buildings and any associated storage/activity.

596 The AEE specifies the 3m wide landscape strip, together with the following proposed mitigation:

• Street tree planting within the internal road corridors;

• Stormwater management area planting;

- CDP Industrial Zone built form standards to apply (e.g. building setbacks); and
- No digital or LED billboards or signs.

¹⁵⁴ FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Urban Design and Landscaping.

¹⁵⁵ Landscape and Visual Assessment, DCM Urban Design Ltd, 7 March 2025.

¹⁵⁶ Appendix 3: Landscape and urban design memorandum (including tree species and building heights) (DCM Urban Design), 15 August 2025.

- 597 Additional changes were subsequently proposed in the amended application documentation, including building height restrictions along Ryans Road (a maximum 12m building height for the first 10m adjacent to Ryans Road).
- 598 The development is expected to have several effects on the landscape character and values of the area which have been evaluated at a wider area scale and a local (adjacent property) level [164]. The AEE states that open views to the industrial subdivision are possible from the northern aspect and from the section of Pound Road adjacent to the site, but that these viewpoints already feature views of the airport and industrial activity, and so an industrial presence is already part of the visual character [at 166]. The AEE states that although the site will undergo a significant change, from these wider area outlooks it is not expected to appear unusual or out of place.
- 599 In terms of landscape character and values, Ms Bruere states that the proposed industrial subdivision is seen as an appropriate addition to the existing landscape.¹⁵⁷ The wider and local area features a mix of rural-residential, agricultural and industrial land uses, with the proposed industrial subdivision seeking to build on the latter. She considers the development fits in well given the existing land uses around the airport and in this rural-urban fringe area, and the scale of the development is well proportioned within the boundaries of the local road layout and in reference to nearby industrial areas. At a site and local neighbourhood level, Ms Bruere considers the change from open rural land to higher intensity industrial land will be more significant (particularly in a physical and perceptual sense), but that this change is not necessarily adverse, as it is maximising the use of available land to meet the functional requirement and existing demand for industrial land. Overall, Ms Bruere considers the effects on landscape character are Low.
- 600 Ms Bruere considers the visual amenity effects on the rural properties across Grays and Ryans Road in a site specific analysis, assessing adverse effects as Low-Moderate for most receivers, and Moderate for residents directly adjoining the development along Ryans and Grays Road who will be most affected by this development.¹⁵⁸ The visual amenity change will largely involve the enclosure of currently open views along Ryans and Grays Road and the full or partial visibility of industrial buildings and activity from all aspects of the surrounding landscape. The 3m wide native landscape strip along the southern (Ryans Road) and eastern (Grays Road) boundaries will help soften views of the proposed subdivision from these locations and is not expected to appear out of place itself as it is an accepted screening method in the existing local landscape. Ms Bruere states that most of the view qualities associated with the receiving landscape will be maintained and that additionally, the presence of existing industrial development in many of the area's views to the northeast, will help to visually integrate the proposed industrial development by providing connection to its surroundings.¹⁵⁹
- 601 The AEE states Ms Bruere also assessed lighting and signage matters [at 170], noting that illuminated signage will be very limited and is highly unlikely due to lighting restrictions for aircraft safety, and that glare and light spill will be managed by the applicable CDP rules. She considers that the amenity of rural properties surrounding the site will be maintained to the levels accepted by the CDP.

¹⁵⁷ Landscape and Visual Assessment, DCM Urban Design Ltd, 7 March 2025, Section 10.

¹⁵⁸ Landscape and Visual Assessment, DCM Urban Design Ltd, 7 March 2025, Section 10.

¹⁵⁹ Ibid.

- 602 The AEE states that Ms Bruere has, in consultation with the avifauna expert, provided a planting plan and list for the 3m landscape strip along Grays and Ryans roads, the stormwater management areas and street tree planting which are expected to have a positive effect in terms of increasing canopy cover and indigenous biodiversity on site [163].
- 603 The AEE notes that rural / industrial interfaces occur in a number of locations across the city and that the assessed effects are common at this interface, and anticipated by the CDP where they occur [169]. The AEE states that for this reason, it is considered appropriate that the built form standards (e.g. road setback and internal boundary setback) of the IG Zone apply to the site with the only modification being the 3m planting strip along the site frontages and the airport protection surface height limits [169].
- 604 The AEE states that overall, the landscape and visual effects are assessed to be low-moderate, with moderate effects on residents directly adjacent to the site and that when evaluated in the Fast-track framework these effects are not considered significant [172].

Comments from parties

Christchurch City Council

- 605 CCC provided comments on rural character and amenity (in paragraphs 118 to 138). CCC also noted the change from a rural pastoral activity to an industrial subdivision will have a wide range of effects on the surrounding area, being of a different character, nature and intensity. The CCC comments rely on technical advice from Mr Field, who considers that the existing rural amenity of the area is of low-moderate magnitude, with a mixture of activities reducing the coherence, but that the area has a number of positive rural amenity qualities, including open landscapes with views to the Southern Alps, a range of landscaping and vernacular farm buildings.
- 606 Mr Field considers that the proposal should mitigate the loss of these values by providing an alternative landscape amenity value along the site boundaries, that while having a different character will maintain an appropriate level of amenity. Mr Field considers the adverse effects on four properties is likely to be moderate once planting is established and that a condition requiring a consistent landscape maintenance/management plan for each property owner would be appropriate, stating that the proposed 3m wide planting strips is just adequate for the proposed planting and would not provide much contingency depth of planting should any plantings fail, or if poor maintenance was to occur.
- 607 Mr Field has also suggested a number of changes to building height and setbacks to the Grays Road frontage of Lots 68-70 and additional conditions, and that the proposed tree species is reviewed to ensure they are appropriate and provide sufficient height, including within a shorter timeframe. Conditions relating to building height were recommended to also refer to stacked shipping containers and materials, together with conditions on: building colour; signage; fencing; lighting; carpark landscaping; vehicle accessways; and service / storage area screening.
- 608 CCC conclude that, subject to CCC's recommended conditions being included in the decision, the proposal will have a moderate effect in relation rural character and amenity, taking into account the change from a pastoral land use to developed industrial

land, as sought in this application [137]. CCC state that if the recommended conditions are not included in the decision, then the rural character and amenity effects of the proposal will be significant on the environment and persons occupying 83, 95, 111, 191, and 211 Ryans Road and 60 Grays Road taking into account:

- (a) The potential establishment of large areas of signage not consistent with the amenity of the rural environment.
- (b) Visual effects with an industrial character, including temporary visual effects.
- (c) The potential loss of sunlight and visual dominance effects on persons occupying 60 Grays Road.
- (d) The change in character and intensity of use from a pastoral farming operation to an industrial subdivision.

Applicant's response to comments

609 The Applicant responded to CCC's comments and updated the landscaping plans to reflect updated stormwater management in their Applicant's Response package.¹⁶⁰ The Applicant updated their conditions as follows:

- Include a condition on the subdivision consent regarding establishment and maintenance of the 3m wide landscaping strip on the Ryans Road and Grays Road frontages and a consent notice to highlight the maintenance of the planting strips to future purchases of the affected lots, on an ongoing basis;
- Plant larger tree species (approved by Ms Civil in terms of bird strike risk) as suggested by Mr Field opposite the residential properties on Ryans and Grays Road and dense and fast-growing screening along the more sensitive boundaries shared with residential neighbours, while increasing the presence of indigenous planting (*Pittosporum ergenioides* and *Plagianthus regius*) along boundary extents where there is greater visual tolerance;
- Introduce a new building height restriction on Lots 68-70 opposite the residential unit at 60 Grays Road, to limit potential visual bulk and shading concerns for this property. The building height restriction proposed is - a maximum building height of 12m for the first 10m adjacent to Grays Road (and minimum 5m building setback requirement), noting that this is the same height restriction that has already been proposed along the Ryans Road frontage;
- Redrafted the fencing condition for greater clarity.

610 Based on Ms Bruere's advice the Applicant has rejected CCC's requested changes for the matters set out below, in summary based on: what the CDP enables and restricts in the GIZ; the proposed 3m wide landscape strip; not attracting birds; and because shipping containers are included in the height restrictions:

- Signs;

¹⁶⁰ FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Planning and FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Urban Design and Landscaping.

- Additional screening of outdoor service and storage areas and shipping containers;
- Carpark landscaping;
- Building colour; and
- Vehicle accessways.

611 Ms Dale remains of the opinion that the landscape and visual effects of the proposed industrial subdivision are low-moderate (minor), with moderate effects on residents directly adjacent to the site (more than minor, but not significant) and that accordingly, there are no adverse visual and landscape impacts that reach the threshold of a "sufficiently significant adverse impact" such that they need to be taken into account in terms of an assessment under s85 of the FTAA2024 [120].

Panel findings

612 We consider that the adverse visual amenity and landscape effects and consequential effects on rural character are an anticipated and direct result of the proposed urbanisation of this site, similar to those that occur through rural to urban rezonings. We agree with Ms Bruere that the area is not a pristine rural landscape, rather it has a large amount of surrounding industrial development and an airport, including some industrial-like activities occurring to the south of the site along Ryans Road. We also note the solar farm to the west along Wind Road. We agree with Mr Field that there are no unique visual amenity characteristics of the site [CCC Comments 283], nor is the area identified as a special landscape area.

613 We agree with the AEF that rural/industrial interfaces occur in a number of locations across the City and that the assessed effects are common at this interface, and anticipated by the CDP where they occur. We note that we received no comments from neighbouring properties along Ryans and Grays Road that raised landscaping, visual amenity and rural character matters as concerns. We also note that Whitiara confirmed the Site is not subject to any cultural overlays and does not contain values of high cultural significance that would need accounting for, and recommends the implementation of all landscape planting as proposed in the application.

614 As we have found that the proposal is acceptable under the FTAA, in broad terms the adverse visual amenity, landscape and rural character effects occurring are also acceptable as a consequence of the urbanisation of this site. We consider it would be impractical to avoid or mitigate all the adverse effects from urbanisation of this site, and we agree with the imposition of the proposed mitigation (e.g. the 3m landscape strip, height limits and building setbacks) to mitigate the adverse effects where possible and otherwise require compliance with relevant CDP provisions (e.g. for lighting, signs and accessways). We find that the 3m landscape strip is critical to provide screening and that such a strip is not unexpected in a rural setting where shelter belts are common. We also note that many of the lots are smaller in scale than what could be provided in the GIZ for logistics and warehousing activities and this therefore reduces resulting building bulk / scale, and provides opportunities for more gaps between buildings, considering likely boundary setbacks.

- 615 Overall, we find that the proposal as amended, together with the proposed conditions, appropriately mitigates the identified adverse effects, taking into account the regional benefits provided.

Operational Stormwater, Groundwater and Soil Contamination

Stormwater

- 616 The following commentary assesses the management of stormwater, which is integrated with managing effects on groundwater and management of contaminated soil that have been identified within the site. Further commentary on bird strike risk is provided in the Aircraft Safety and Airport Operations section of our decision.
- 617 The proposal on which comments were sought proposed management and treatment of stormwater as described in the AEE at paragraphs 83 to 87 and 255 to 264, with the design detail described in Appendix 13 Stormwater Management Technical Assessment for Ryans Road Development; PDP, March 2025; Additional Information, Appendix (C) PDP Water Quality Report; and Additional Information, Appendix (A) 1252 PLN SET RYANS ROAD REV C_FOR APPROVAL.
- 618 The Applicant's Response to comments provided and described an updated design in Appendix A Planning; Appendix 6 Civil Engineering; Appendix 9 Stormwater; and Appendix 5 Capture Plan Set Rev F.
- 619 Additional Information Appendix C Water Quality and the Applicant's Response Appendix 10 Water Quality address the efficiency of the proposed stormwater treatment system, and are also relevant with respect to effects on surface water and groundwater receiving environments. Those assessments conclude that the effects will be acceptably minimised.
- 620 The design aligns with the CCC Wetlands, Waterways and Drainage Guide (**WWDG**) and the New Zealand Building Code Clause E1. It is assessed as achieving stormwater water quality treatment that is consistent with these guidelines¹⁶¹.
- 621 Operational stormwater runoff generated by the 126 lots will be discharged to private onsite stormwater systems to provide treatment and disposal to ground via infiltration devices. Run-off from roofed areas will be collected and be disposed to ground with no treatment (as it is considered clean) by onsite soak pits sized to accommodate the critical design event (3hr 2% AEP).
- 622 All other stormwater generated on the lots from hardstand areas will be directed to an onsite proprietary treatment device for treatment of the "first flush" flow prior to disposal to ground via soak pits sized to accommodate the critical design event. The use of proprietary treatment is proposed to maximise available hardstand and undertake all stormwater management/disposal below ground to be consistent with the Wildlife Hazard Management Plan that is discussed later.
- 623 Runoff from roads will be contained by kerb and channel and catch pits, and piped to one or other of two stormwater soakage basins (Lots 200 and 201). The basins will be Stormwater360 Filterra Bioscape and Soak Pit systems sized to treat runoff for up to

¹⁶¹ Application AEE Appendix 13 at 3.2 and 3.3.

the 2% AEP event. They will provide rapid drainage through treatment media. Standing water is not proposed, except potentially for short periods during and immediately after heavy rainfall.

- 624 The Lot 201 basin is proposed to be located in the north-east corner of Lot 121, adjacent to the western side of Grays Road. The Lot 200 basin is proposed to be located on the eastern side of Grays Road, opposite Lot 9.
- 625 To ensure compliance with the District Plan standards associated with minimising bird strike risk, the stormwater basins will have a minimum 500m separation sizing and a maximum water surface area of less than 1000m² during the 50-year critical duration storm.
- 626 The basins are designed to drain down within 48 hours of rainfall cessation.

Groundwater

- 627 The proposed groundwater effects assessment is described in paras. 39 – 43 of the AEE and the Assessment of Groundwater Effects in Appendix 2 to the AEE. An updated Assessment of Groundwater Effects was submitted with the Additional Information.
- 628 As described in the AEE, no groundwater was found in any of the site-specific test pits due to its depth. Neither were there any spring upwellings or other natural surface water features on site nor any monitored wells or visible stream channels, saturated ground or hydrophytic vegetation. On that basis, a conservative groundwater level of 10m bgl was recommended for design purposes (para. 23 of the AEE).
- 629 The proposed works include measures for treatment, attenuation, and disposal to the ground of site runoff (para. 26 of the AEE), including collection of runoff from roofed areas and hardstand areas, treatment of the "first flush" flow, and use of infiltration basins and soak pits (per the proposed consent conditions). The proposed stormwater management system is considered in detail in separate sections of this report.
- 630 In support of the Application, an Assessment of Groundwater Effects (Additional Information at Appendix C) was provided which concludes that the concentrations of faecal bacteria, metals and hydrocarbons are not expected to exceed the MAVs in domestic supply bores downgradient of the stormwater discharge locations. It concludes further that no groundwater mounding is expected as a result of the disposal of stormwater to ground at the site.
- 631 The Additional Information also responded to comments received from CCC that the original report did not consider bores out to 2km for the discharge location and therefore did not meet the requirements of Condition 32 (c) of the CCC global stormwater consent. The main change in the updated report was a larger assessment area (but its conclusions were consistent with the original assessment).
- 632 The Assessment of Relevant Planning Provisions (AEE Appendix 32, page 46) concluded that the potential effects on water amongst others will be avoided, or managed to acceptable levels and thus the proposal is consistent with the provisions in the operative Land and Water Regional Plan. Further, on page 120 of the AEE it is reiterated that groundwater at a depth of 12 – 15m below ground level is not expected to be encountered during earthworks or civil works associated with the development.

Soil Contamination

633 Appendix 6 Detailed Site Investigation of the AEE describes the existing soil contamination characteristics of the site.

634 At section 8 of that report, the following conclusions are provided.

- *Contamination typical of rural land use was identified in samples taken across the site.*
- *Concentrations of potential contaminants were below human health guidelines except two samples in the area of the buildings in the southeast of the site where arsenic exceeded the human health guidelines in the topsoil samples (most likely due to pesticide storage).*
- *All soils can be retained onsite as concentrations of contaminants in all soil samples were below human health guidelines except the two locations noted near buildings which require further testing to delineate the extent of contamination prior to development in this area.*
- *Topsoil from all fields sampled is considered to be free from contaminants and can be reused on site or removed to be used for agricultural or residential use.*
- *Further sampling will be required to validate the site post building/s shed removal.*

A Remediation Action Plan (RAP) will be required prior to earthworks commencing on-site to outline remediation requirements.

A Site Validation Report (SVR) will be completed once remediation works are undertaken. Standard environmental controls including sediment management and controlling the movement of cleanfill and topsoil during development will reduce any discharges to the environment.

Conditions

635 Conditions have been proposed to give effect to the design and outcomes described above. The are discussed further below.

Comments received

Christchurch City Council

636 Appendix 6 of CCC's comments, prepared by Brian Norton, addresses stormwater management. At paragraph 7 Mr Norton confirmed that "The proposal involves soil adsorption treatment basins for the roading network to treat the first flush of runoff, followed by rapid soakage systems to dispose of stormwater into land. There will be no connections to watercourses or the existing CCC stormwater network, however during extreme storm events or system blockages, stormwater may spill to Grays Road or the Selwyn Water Race along Ryans Road".

637 With respect to the on-site soakage disposal for each lot, Mr Norton commented that in principle the WWDG strongly favours community soakage systems as there is an inherent risk in individual lot owners not maintaining their own systems. In his opinion, "the arrangement proposed by the applicant presents an overall higher risk to the environment, however the regulatory risks (to Council) by poor onsite stormwater management will be mitigated by the individual industrial sites holding their own resource consent(s) for stormwater discharge with Canterbury Regional Council" (paragraph 8). However, he then states at paragraph 11 that he does not "recommend

listing “pre-approved” stormwater treatment systems as suggested by the applicant (Condition 63) as certain systems may be inadequate or inappropriate to mitigate all types of potential industrial site activities. Individual site operators will either obtain separate resource consents for stormwater discharge from Canterbury Regional Council, or the applicant will obtain a site-wide global consent for the same purpose”.

638 Mr Norton noted that the design of the stormwater basins that are to vest to Council as originally proposed did not meet the WWDG design approach. He proposed changes to Condition 62 to address this.

639 Mr Norton also noted the risk of casual ponding on the earthworks stages after rainfall, which could increase the risk of attracting birds the area adjacent to the airport.

640 Soil contamination was reviewed by Kirsten Rayne at Appendix 14.6 CCC’s comments document. Ms Rayne concluded that “Any risk to human health from exceedances of the commercial/industrial soil contaminant standards identified as part of the Detailed Site Investigation can be successfully mitigated through the preparation and implementation of a Remedial Action Plan”.

Canterbury Regional Council

641 Minute 3 invited comments from CRC and included specific requests for information from CRC on groundwater matters.

642 In its comments and response provided on 15 September 2025, CRC acknowledged that the adverse environmental effects that may arise from the proposal can be appropriately avoided, remedied or mitigated subject to conditions of consent, should the application be approved. However, it noted that there are some key outstanding matters including conditions regarding the management of soil contamination and groundwater monitoring which it considered necessary and still to be worked through with the Applicant.

643 One key area that CRC’s groundwater expert disagreed with was the estimated depth to groundwater which can affect microbial risk assessments (for E.coli and norovirus), and thus a more detailed survey of land surface and highest groundwater levels in all nearby wells was recommended. The CRC expert also recommended a requirement for soil monitoring of the proposed stormwater infiltration basins for contaminants, which had not been proposed by the Applicant.

644 As a result, CRC recommended amended consent conditions, the wording of which to be developed collaboratively between CRC and the applicant, and adoption of the groundwater expert’s proposed solutions as described in its technical report (para. 24-26).

645 In addition, CRC noted that the Assessment of Groundwater Effects (Appendix 27 of the AEE) did not quantify the change on recharge volume, but CRC expected that there would be a slight increase due to increased runoff from sealed areas but in smaller, more localised areas via soak pits and infiltration basins.

646 With respect to soil contamination, in Appendix 3 of its comments, CRC agreed with the DSI report’s recommendation that further investigation is required. CRC recommended the inclusion of conditions as follows:

- *Sediment control for contaminated areas shall be provided to CRC for certification*
- *After the removal of buildings, a further DSI shall be undertaken by a SQEP in contaminated land and should be provided to CRC 10 days prior to start of works. Results of the additional investigation shall be included into the Remedial Action Plan (RAP).*
- *A Remedial Action Plan prepared by a SQEP in contaminated land shall be provided to CRC for CRC certification prior to start of works days*
- *For any discharge areas (e.g. soakpits, sumps and basins) on HAIL site, the discharge areas shall either meet the background levels, or the adopted values stated in Table C-3 of the Technical Guidelines for Disposal to Land (WasteMINZ, 2022). Evidence of these shall be provided to CRC prior to discharge occurring.*
- *Within 3 months of the completion of earthworks on the site, a Site Validation Report (SVR) shall be provided to CRC. The SVR shall be prepared by a SQEP in contaminated land.*
- *All earthworks shall be managed to avoid the potential for cross-contamination of materials to occur, in particular movement of contaminated soil around the site and/or deposition of contaminated soil on other parts of the site shall be avoided.*
- *Excess soil or waste materials removed from the application site shall be taken at a consented site whose waste acceptance criteria would be met. Evidence of waste disposal such as weighbridge receipt shall be reported in the SVR.*

647 CRC did not have any comments specifically relevant to the design or location of the stormwater treatment systems proposed.

Christchurch International Airport Limited

648 With respect to stormwater treatment design, CIAL provided the following comments at section 4.2.1 of its comments document. Other comments relating to bird strike are addressed in the Aircraft Safety and Airport Operator section of Part E.

The two proposed stormwater basins (both with maximum water surface areas of 999m²) would be located 114m apart and have been designed to drain within 48 hours of the cessation of a 2% AEP storm.

Chapter 6.7 Aircraft Protection of the CDP seeks to provide for the protection of aircraft so they can safely and efficiently approach, land, take-off and depart from Airports, airfields or helipads. The BMA specifically seeks to achieve this by managing activities with the potential to attract birds to avoid or mitigate the potential for increased risk of bird strike on aircraft in the area. Large stormwater basins have the potential to attract waterfowl and other birdlife that would increase the risk of bird strike hence standard 6.7.4.3.1 of the CDP restricts the provision of larger stormwater basins.

As part of the amendments to the Application submitted by the Applicant on 15 August 2025, the design of the proposed stormwater basins has been modified to achieve technical compliance with standard 6.7.4.3.1 of the CDP. While the design of these basins now complies with CDP requirements, the large size of the proposed stormwater basins and their proximity to one another still have the potential to attract waterfowl when wet, and other bird species when dry (as a favourable nesting spot). Due to the close proximity of the basins to the Airport runway, CIAL therefore considers their construction will increase the scale and significance of bird strike risk in the BMA thereby posing a risk to the safe operation of the Airport.

To reduce any risk of bird strike, stormwater basins are not used at Christchurch Airport. Instead, all stormwater is treated and discharged directly to ground via soak pits. Given the critical location of the Site directly adjacent to the final approach and departure pathway of the Airport's

main runway, CIAL seeks that all stormwater at the Site be treated and discharged direct to ground, rather than via stormwater basins.

Applicant's response to comments

- 649 The Applicant confirmed that since receiving the comments, further surveys and remodelling as requested by CRC had been undertaken. The results showed that the proposed soak pit design, their placement as well as the separation to the water table are adequate and safe. The findings had been shared and agreed with CRC's groundwater expert. The applicant also confirmed that the updated conditions provided in its response had been agreed with CRC, as confirmed via an email from CRC dated 24 November 2025.
- 650 The Applicant's response to comments has been incorporated into the description of the proposal provided above. This included the revised stormwater design of basins incorporating Stormwater360 Filterra Bioscape and Soak Pit systems to minimise the incidence of standing water.
- 651 The Applicant provided an updated set of conditions that incorporated matters raised by CRC and CCC. The most recent version of those conditions is that provided with the Applicant's response to Minute 9. These generally adopt the changes sought by CCC and CRC.
- 652 Conditions 37 to 40 address the management of soil contamination, including the requirement for a Remedial Action Plan, additional sampling in the south east corner of the property (the area of farm buildings and identified contamination), and a Site Validation Report.
- 653 Conditions 58 to 77 address stormwater management. Condition 116(c) requires covenants on each lot title requiring the implementation of the proposed management system and limiting roofing materials to low-zinc and low-copper generating materials, or requiring additional treatment.
- 654 It is also noted that Condition 65 requires a DSI and / or validation testing of within the stormwater disposal to confirm that sediments are below ANZECC SQG-High Sediment Quality guidelines, before the basin reserves are vested to Council.
- 655 Conditions 26 (Environmental Management Plan), 16 (earthworks) 31 (earthworks / erosion and sediment control) and 109 (bird strike management) address the avoidance of canal surface water ponding during and post construction.

Requests for further information

- 656 The only request for further information was provided with the Minute 3 invitation to comment. That has been noted above.

Minutes 16 and 17

- 657 In its response to Minute 16, CRC provided an updated and simplified set of conditions addressing quality and monitoring of construction stormwater discharges, managing contaminated soils, and spills, and minor changes to the operation stormwater consent conditions. These changes were agreed with by the Applicant and were included in the Applicant's own comments.
- 658 CRC also provided plans requested by the Panel to be included as appendices to each condition.

Panel findings

- 659 We find that the Applicant has undertaken robust assessments of the groundwater and soil contamination characterises of the site. Likewise, a stormwater management system has been proposed, and modified in response to comments received, that will meet the relevant guideline outcomes for water quality and permitted standards of the district and regional plans.
- 660 The Applicant has responded to and accommodated CCC and CRC requests with respect to conditions. Differences between the Panel's and Applicant's experts with respect to groundwater characteristics are not material to the effects assessment.
- 661 Matters raised by CIAL are addressed in detail in the Aircraft Safety section of this report. But with specific relevance to stormwater disposal and treatment, the Applicant has provided a modified design that is consistent with the relevant permitted activity rule and standards, and responds to the CIAL concern about the risk of ponding water attracting birds.
- 662 We note that condition 63 requires validation testing of the stormwater soakage reserves (Lots 200 and 201) before they are vested to CCC. We note that individual lot earthworks are likely to occur after these stormwater facilities are vested. However, we also note that contamination within the overall property is proposed to have been removed during the bulk earthworks phase, through the RAP and site-wide validation testing prior to the stormwater reserves being vested. Individual lot earthworks will also be required to implement erosion and sediment controls. Consequently, we find condition 63 to adequately addresses the risk of soil contamination within the stormwater reserves to be vested.
- 663 We find that compliance with the amended conditions provided by CRC and the Applicant in response to Minute 16 will appropriately ensure that the effects of stormwater discharges and soil management are acceptably minimised and adopt those changes accordingly.
- 664 Overall, the Panel finds that the potential adverse effects of the project on groundwater and surface water quality will be less than minor and appropriately managed through the proposed contaminated soil and stormwater management approach and conditions.

Water supply, wastewater and electricity

Infrastructure & Services environment and proposal

- 665 This section addresses water supply, wastewater and electricity supply. Roading and stormwater services have been addressed in separate sections of our decision.
- 666 The proposed infrastructure & services design and effects assessments are described in the AEE and:
- (a) Appendix 12 - Three Water Servicing Report by PDP, March 2025
 - (b) Appendix 14 – Infrastructure Report by Capture Land Development, March 2025
 - (c) Memorandum of counsel for Carter Group Limited regarding amendments and additional information, 15 August 2025
 - (d) Draft Water and Wastewater Services Report, July 2025
 - (e) Email from Orion to Carter Group with Orion letter update, 14 August 2025
- 667 There is a single pole-mounted powerline that runs through the western portion of the site to a bore, and high voltage powerlines extend along the site frontage on Ryans Road. Further afield, electricity distribution lines operated by Orion run along Ryans Road and Grays Roads. The overhead lines on Ryans Road have existing connections to the dwelling and farm sheds on the property and some overhead lines are going into the pump shed at the well which is central to the property. These connections will be decommissioned prior to construction.
- 668 Orion in partnership with Kowiri Park Solar Farm are in the process of undertaking significant power upgrades along Ryans and Grays Road by installing 66kV underground power lines to distribute the power generated by the solar farm back into the existing grid which can potentially provide capacity for the Ryans Road development (confirmed in the letter from Orion dated 5 Feb 2025, AEE Appendix 14 Infrastructure Report, Appendix B).
- 669 There is no existing wastewater connection for the abandoned property and existing houses within the area are currently serviced via a septic tank. The closest public wastewater network to the development site is located on Russley Road/SH1, approximately 1.6km southeast of the site.
- 670 Furthermore, there are no existing public water connections for this property, and existing houses are serviced via individual onsite wells.
- 671 The site is within an Enable supply area to supply fibre to the development. Consultation will be undertaken to determine the network connection points and reticulation layout. However, there are no concerns that fibre will not be able to be provided to the industrial subdivision.
- 672 The artificial water race flowing east to west is located on the site's Ryans Road frontage. This is a lateral channel of the PWRN and is owned and operated by SDC. It is also addressed in the Ecology section of this report. The water race sources water from the Waimakariri River near Intake Road and supplies irrigation and stock drinking

water to the surrounding area. Over time the water race channels have generally either been decommissioned or piped within the Canterbury area as the land-use changed from rural urban fringe to industrial or residential. The site contains an existing bore for irrigation purposes and benefits from a Water Take Permit (ref. CRC144308) which permits water take from the borehole up to a certain volume and rate. It also permits the use of the water for irrigation of crops and pasture, excluding milking dairy cows.

673 The proposed development is for dry industrial uses with low water take and wastewater use. As part of the proposed development appropriate three waters infrastructure will be provided to service the lots.

674 In terms of wastewater, the development will be serviced via a low-pressure sewer (**LPS**) system which will involve the establishment of private pump stations on individual lots which pump to a common pressure sewer pipe network. The proposed LPS system has been sized to cater for approximately 126 lots. Each lot is anticipated to be serviced by a duplex pump station containing two progressive cavity LPS pumps. The wastewater from the proposed development will be pumped to the CCC wastewater network on Russley Road which has sufficient capacity for the additional flows (AEE Appendix 12, Three Waters Servicing report, Section 3.0).

675 In terms of water supply, it is proposed to connect to the CCC water supply network at the existing watermain outside of no. 50 Russley Road and from this connection, the watermain will be extended north along Russley Road to Ryans Road and along Ryans Road across the development. To achieve the minimum operational water pressure, a booster station will be built on Ryans Road at the entry point (subdivision lot 400) into the development. It is anticipated that the pumps will be in operation from approximately 7am to 10pm each day.

676 With regards to firefighting water, it is anticipated that fire classification of FW2 or FW3 will be required for the development which will need to be considered in addition to the operational demand within the development (in this case 61L/s under FW2 or 86L/s under FW3).

677 The proposed utility services to the site are detailed in the Capture Infrastructure Report (AEE Appendix 14) and are summarised below:

(a) Power services to the site during the construction/civil works phase are proposed via the existing high voltage overhead lines along the northern side of Ryans Road and along the eastern side of Grays Road adjacent to the site. Consultation with Edison (the power supplier and network owner) has confirmed that there is approximately 150kVA capacity in the existing overhead network along Ryans Road. The current upgrade works are expected to be able to service the new industrial development.

(b) The subject site is within an Enable supply area to supply fibre to the development. Consultation with Enable or potential other fibre providers will be undertaken to determine the network connection points and reticulation layout.

(c) A lighting assessment for the development has been completed by Pedersen Read Consulting Electrical Engineers (see Appendix 15). Street lighting will be required in accordance with CCC District Plan rules for lighting within 500m of the threshold of a runway at CIA and in accordance with Civil Aviation requirements, which

prevent light shining above the horizontal. This is further addressed in the Aircraft Safety and Airport Operations section of this report.

- 678 The Infrastructure Report, AEE Appendix 14, states in Section 3 that the development involves the creation of three separate utility reserves that are to be vested containing new civil infrastructure for stormwater and water utility with the remaining civil infrastructure to be located within the existing or vested roads.

Comments received

Christchurch City Council

- 679 At the second convener's conference, CCC raised concerns about the standards for infrastructure to vest in the Council as well as a private water supply that might be located within a public road. If the Applicant accepts conditions provided by the Council, these issues can be resolved.
- 680 In its comments dated 15 September 2025, CCC confirmed that following the amendments and additional information received on 15 August 2025, it is satisfied that servicing and infrastructure effects can be managed. Recommendations to change the related conditions were proposed as follows:
- (b) Council's standard quality assurance/acceptance conditions are adopted;
 - (c) The conditions of the Water Supply and Wastewater Servicing Report are generally adopted.
 - (d) More effective management of stormwater and flow paths/cross boundary drainage.
- 681 With regards to water supply and wastewater, CCC confirmed that the proposed conditions align with those that were supplied to the Applicant following lodgement. CCC considers further that the water supply and wastewater infrastructure as proposed is feasible to service the development, able to be accommodated within the wider infrastructure networks, and appropriate to vest in Council, subject to recommended conditions of consent as suggested by CCC's expert.
- 682 CCC raised concerns regarding the design of the proposed stormwater basins. This is addressed in a separate section of our decision.

Orion New Zealand Limited

- 683 In its letter comments dated 12 September 2025, Orion confirmed that there was capacity in its network to accommodate the initial requirement of 2MW to meet the needs of Stage 1 of the proposed development. The letter further stated that Orion was undertaking planned network reinforcement works which would be able to support the remaining anticipated load uptake of the development. However, until connection applications are received and processed, the above cannot be guaranteed and cannot be reserved.

- 684 Orion stated that it is aware that the proposed works might require relocation or undergrounding of the existing network poles and they anticipate that they will be able to accommodate them through collaborative design.

Martin O'Neill and Shane O'Neill / TWT Holdings Limited

- 685 The O'Neills and TWT Holdings Limited are members of PRG Limited which comprises owners of land between Ryans Road and Yaldhurst Road.
- 686 Amongst other matters, they agreed that there is a shortage of freehold industrial land but they were concerned that the Ryans Road application had not been "future proofed" regarding infrastructure servicing to facilitate additional land to be developed for industrial purposes in an efficient and cost effective manner.

Applicant's response to comments

- 687 The Applicant addressed infrastructure and services relevant comments in the Applicant's Response.
- 688 In response to CCC's comments, the Applicant provided an updated set of conditions incorporating many of the measures proposed by CCC to mitigate potential adverse effects.
- 689 In response to comments from adjoining landowners, the Applicant referred to the detailed infrastructure report that was submitted with the application and confirmed that sufficient infrastructure is available and will be provided to service the development.
- 690 In response to Orion's letter, the Applicant acknowledged that Orion had confirmed capacity to accommodate the initial requirement to meet Stage 1 of the proposed development and that network reinforcement works are underway that will enable Orion to support the remaining anticipated load uptake of the development and that they invited a connection application.

Requests for further information

Orion New Zealand Limited

- 691 Minute 3 of the Expert Panel sought comment from Orion New Zealand Limited with regards to any matters associated with Orion's infrastructure and operations, including matters that may be relevant to existing or future upgrades of Orion infrastructure along Ryans Road and Grays Road.
- 692 Orion's response dated 12 September 2025 confirmed that there is currently capacity in the network to accommodate Stage 1 of the proposed development and that upgrade works are underway. It advised that further information is required before a connection roadmap can be developed. With regards to impact on their network, Orion noted the other infrastructure requirements but anticipated that they would be able to accommodate these through collaborative design to minimise impact on construction staging.

Christchurch City Council

- 693 Minute 6 of the Expert Panel requested CCC to further explain the reason for the request to underground power lines along Ryans Road in terms of existing or future potential effects of the power lines on the use of the road. This matter is addressed in detail in the Transport section of our decision. In brief, The Panel finds in favour of the Applicant's proposal to retain above-ground power poles, but subject to a reduced speed limit on Ryans Road.

Panel findings

- 694 Having considered all comments received, the Applicant's responses and RFI responses, the Panel accepts the proposed infrastructure and services proposals and finds that the development can be adequately serviced for water supply, wastewater and electricity in accordance with the confirmations received from the relevant network utility providers, and proposed conditions.
- 695 We find that with respect to water supply, wastewater and electricity supply, the proposal does not present any inconsistency with the relevant provisions of the NPS-I. We note we have assessed the NPS-I elsewhere in this Decision in relation to effects on strategic infrastructure.

Ecology effects

Ecology environment and proposal

- 696 The ecological characteristic of the site and its immediate surrounds are described in the following appendices of the Application:

- Appendix 07 – Lizard Habitat Assessment and Lizard Management Plan
- Appendix 08 – Waterways and Wetland Assessment
- Appendix 09 – Avifauna Assessment

- 697 This information was amended by the following report provided in the Additional Information received prior to the s55 request for comments being issued:

- Attachment (E) 13082025 Ryans Road updated Lizard Management Plan.

- 698 The information was further updated and expanded on in the following documents presented in the Applicant's Response to comments received.

- Appendix 11 - Bird Strike Memo
- Appendix 12 -Final Draft WHMP
- Appendix 13 – Ecology Response
- Appendix 14 – Lizard Management Plan

- 699 As described in paragraphs 32 to 35 and 44 to 48 of the AEE, an old, abandoned dwelling, various farm shed and water tanks are located in the south-east corner of the

site. That part of the property is generally enclosed and interspersed by exotic trees and hedging. The site slopes gently from west to east and predominantly consists of grassed paddocks and some other scattered vegetation. Low hedging is located along sections of the boundary. There are no surface water channels or wetlands within the property. None of the buildings or vegetation have any protected status and all are proposed to be cleared.

- 700 A Water Race is located on the north side of the Ryans Road reserve. It is an artificial lateral channel of the Paparua Water Race Network owned and operated by SDC. It sources water from the Waimakariri River near Intake Road and supplies irrigation and stock drinking water to the surrounding area. It runs parallel to the site for the full length of the property's southern boundary. There are three culverted crossings into the property. The Applicant identifies that various native and exotic fish species may be present in the water race. Initially the Applicant proposed to pipe the water race for the full length of the site boundary. However, through engagement with CRC, the design was amended to provide enhanced naturalisation of the open channel, with culverts to be installed to provide access to the internal site roads and direct access to several lots.
- 701 Through discussion with CRC prior to the s55 comments being sought, the Applicant agreed that there was a possibility that *Geranium petroselinum* could be present within the site. The Applicant agreed to the inclusion of an associated vegetation survey condition that was offered in the updated conditions issued for comment.
- 702 Lizard habitat was identified across the site, but no lizards were observed. Four native lizard species have been recorded within a 5km radius of the site and others within a 13km radius. A Lizard Management Plan (LMP) has been submitted which has been assessed by CRC, and by DCC under consideration of the application for a Wildlife Act Authority Permit. A relocation site has been nominated by the Applicant on the opposite side of Grays Road, immediately north of the proposed Lot 200 stormwater biofilter and soakage pit facility.
- 703 Fourteen avian species were identified, and a total of 284 birds were counted during the site survey. Four species were New Zealand endemics (swamp harriers, pukeko, log-tailed cuckoo, and South Island pied oyster catcher). An avian risk assessment was undertaken, and the management of bird strike risk has been incorporated into a Wildlife Hazard Management Plan, prepared to achieve consistency with the corresponding management plan held by CIAL. Our discussion and findings on that matter are provided in the Aircraft Safety and Airport Operations section of this report.

Comments received

Christchurch City Council

- 704 Paragraphs 162 to 170 of the CCC comments document prepared by Francis White address the review undertaken by Katie Kerr, Council's Principal Waterways Ecologist (Appendix 10 of the comments document). Ms Kerr considered effects on waterbody ecology and is generally supportive of the changes proposed and proposal overall.
- 705 Ms Kerr preferred a reduction in the number of culverts proposed but acknowledged that the provision of culverts is a permitted activity under the District Plan. She considered that some details relating to the naturalisation of the water race are

unclear, in particular engineering plans detailing all intrusions into the 5m setback. Ms Kerr stated that site specific surveys of aquatic ecology values to inform culvert locations have not been undertaken. If not addressed, she considered that the effects of the proposal relating to waterway values, as it currently stands will be more than minor. However, she noted that the matters could be satisfied through the provision of additional information prior to consent being granted or required via conditions prior to work commencing. These conditions should require:

- (a) Appointment of a freshwater ecologist to oversee design and construction work within 5m of the water race and undertake fish salvage;
- (b) That all works in, and within 5m of the banks of, waterways be undertaken according to national guidelines;
- (c) That a landscaping plan and waterway design be provided to the CCC Waterways Ecologist prior to works commencing.

706 Through the expert assessment provided in Appendix 12 of its comments document, prepared by Christine McClure, CCC is supportive of the proposed approach to managing lizards as detailed in the LMP and the conditions developed with DOC through the Wildlife Act permit process.

707 Nicholas Head, Senior Ecologist (botanist) at the Council, provided comment on the botanical values of the site, in Appendix 13 of the comments document. Mr Head noted that the site is highly modified, with only the area in the waterway margins retaining some remnant value. There were no disagreements between the CCC and the Applicant in relation to indigenous plants. Mr Head also supported the Applicant's conditions proposed relating to the salvage and reinstatement of *Geranium retrorsum*.

708 As noted above, matters relating to bird strike are addressed in a separate section of our decision. For completeness, it is recorded that for CCC, Andrew Crossland noted that the disturbance of protected nesting birds is not lawful. However, in his planning assessment, Mr White noted that the breeding of birds on site has not been identified, and that the mitigation measures proposed to avoid the attraction of birds to manage bird strike risk will also reduce the likelihood that indigenous bird species will be affected.

Canterbury Regional Council

709 The Minute 3 invitation to comment included specific questions (**RFIs**) for CRC. This included "The appropriateness of the proposed naturalisation of the water race and any additional matters to be addressed, including construction issues".

710 In its response prepared by Tim Davie, CRC confirmed that it is supportive of the proposed naturalisation in principle. It also accepts that a series of shorter culverts rather than one long pipe will allow for the retention and potential improvement of waterway and riparian habitat and avoid creation of a barrier to fish passage. CRC considered that it would be "useful" to see further detail of the proposed design and construction methodology to address matters such as sediment management and fish disturbance.

711 At paragraph 17 of its comments document, CRC stated that there are no fundamental issues remaining. Any fundamental disagreements were resolved through the consultation undertaken. At paragraph 18 it stated that any outstanding matters can be addressed through conditions.

712 With respect to plants, CRC acknowledged the Applicant's condition relating to *Geranium retrorsum*, but sought an additional condition requiring maintenance plan to address the ongoing management of translocated plants.

713 Subsequent to submitting its comments, CRC continued to work on conditions with the Applicant and confirmed to the Applicant by email on 24 November 2026 that all matters had been resolved. That email was provided with the Applicant's response to comments.

Director-General of Conservation

714 DOC participated in pre-application consultation with the Applicant in relation to the Wildlife Act permit necessary for the disturbance, capture and relocation of lizards, and other matters including fish passage and boarder biodiversity and environmental effects.

715 DOC addressed its comments in accordance with those provided in its report prepared under s51(2)(c) of the FTAA (**s51 Report**). As detailed in 3 of the s51 Report, the Director-General concluded that, subject to conditions being imposed, the proposed activities are broadly consistent with the purpose of the Wildlife Act. In summary, conditions recommended were:

- Limit the approval to southern grass skinks and McCann's skinks;
- Require best practice salvage and handling methods;
- Require monitoring and reporting on habitat establishment and lizard outcomes.

716 The Director-General considered that the proposed relocation site is only suitable for southern grass skinks and McCann's skinks. If any other native species are found, it considers a new authorisation would be required. The Director-General recognised that finding such other species is unlikely.

Salwyn District Council

717 SDC confirmed that approvals will be required under the SDC Water Race Bylaw 2008 for the proposed naturalising and culverting of the water race.

718 SDC identified the matters of most concern to it are maintaining ecological values, flow capacity, and sustained access for maintenance.

719 SDC stated that stormwater from the development must not be disposed to the water race, fencing is not recommended and that planting within 5m of the water race should be agreed with SDC.

Christchurch International Airport Limited

- 720 CIAL provided comments and a memorandum on bird strike risk prepared by Phil Shaw of Avisure, an aviation wildlife safety expert.
- 721 CIAL also requested various amendments to the conditions associated with the proposed WHMP requiring amended details on:
- Monitoring
 - Definition of acceptable bird numbers and detailing observation frequency.
 - Identification of who will conduct the monitoring, including what qualifications and experience are necessary for the monitor.
 - Details on how data will be captured and what reporting methods will be utilised.
 - Active management actions that will be available in the event of excessive bird numbers and what triggers that will prompt their implementation.
 - Remedial actions if risks are identified.
 - Reporting and communicating findings and actions to stakeholders.
 - Review frequency of the WHMP.
 - Consultation with relevant stakeholders throughout the development process, including CIA.

722 These matters are discussed in further detail in Aircraft Safety and Airport Operations section of Part E.

723 CIAL did not provide comment on any other ecological matters.

Applicant's response to comments

724 As noted above, the Applicant's response to comments included specialist memorandums on Bird Strike, the WHMP, Ecology, and Lizard Management. These informed updated versions of management plans and conditions, as summarised in Appendix 1 of the response.

725 Matters relating to bird strike and the WHMP are addressed in Aircraft Safety and Airport Operations section of this report.

726 As noted above, all matters raised by CRC have been resolved in accordance with the updated conditions presented in the Applicant's response.

727 With respect to CCC comments regarding the water race, Mr Arthur the Applicant's ecologist, expressed support for fish salvage and ecologist oversight for instream culvert works. But he considered CCC's broader requirements, such as monitoring all works within 5 metres of the waterway and prior approval of riparian planting are unnecessary and onerous in the context of a fast-track application given the water race's artificial status. The Applicant did not accept those conditions to the extent requested by CCC.

- 728 With respect to lizard management and the Wildlife Act approval, the additional conditions requested by DOC have been adopted, with three minor clarification points suggested by the Applicant's ecologist, and the LMP updated accordingly. The minor clarification points related to the project ecologist to be approved in writing by DOC rather than being named in the conditions, the requirement to only provide to DOC lizards that have died of unknown causes rather than all deceased lizards, and the timeframe for lizard relocation, given the delayed duration of the consent process. The Applicant also sought to align the period for annual reporting to DOC with the period specified in the previously agreed LMP.
- 729 At the request of DOC, the conditions relating to lizard management were incorporated into a separate set of conditions for DOC to administer. Previously they sat within the conditions to be administered by CCC. Other than the points of clarification noted, the LMP and associated conditions were agreed between the Applicant and DOC.
- 730 Regarding the water race, the Applicant confirmed that access for maintenance will be maintained. It also acknowledged that it must seek approval from SDC for the detailed design under the Selwyn District Council Water Race Bylaw 2008.

Requests for further information

- 731 Aside from the RFIs issued in Minute 3 that have been discussed above, no other RFIs were issued in relation to ecological matters. The Applicant did provide a further response on Bird Strike matters with its Minute 9 response. That is discussed in the Aircraft Safety and Airport Operations section of the report.

Minutes 16, 17 and 19

- 732 Additional comments and responses regarding the WHMP have been revived from parties in response to Minutes 16, 17 and 19. They are discussed in the Aircraft Safety section of our report.

Panel findings

- 733 Setting aside matters relating to bird strike and as addressed through the WHMP, ecological matters have been resolved to the satisfaction of the Panel. Bird strike is addressed in a separate section of this decision report.
- 734 The management of effects on lizards is addressed through the LMP, Wildlife Act permit and associated conditions. The Applicant has responded to DOC's s51 report and comments and amended the LMP and conditions. The changes to matters of clarification sought in the Applicant's response to comments are agreed to be minor and reasonable, and will not compromise the outcomes sought through the Wildlife Act permit or LMP.
- 735 The naturalisation of the water race is an environmental benefit and is supported by all three councils. SDC will retain necessary control over those works through the Applicant's obligations under the Bylaw. The Panel also notes that the water race is not proposed to be fenced such that maintenance would be inhibited, and that stormwater is not proposed to be discharged to the water race.
- 736 CCC's preference to minimise culverts is acknowledged, but so is the permitted status of the culverts. CCC also acknowledges that reality. The number of culvert crossings

has been discussed in the transport section. Nothing relating to ecological impacts necessitates a reduction on the number of culverts required to access the development.

- 737 The Panel is satisfied that the conditions proposed, as appended to this report, will ensure that temporary construction related effects of the channel works will be appropriately minimised.
- 738 The Panel does not identify any other ecological matters of significance and finds that ecological impacts of the proposal will be acceptable and minor.

Other Effects

- 739 This section collates our assessment of remaining matters that were not identified as of significance by commentators or the Applicant.

Earthworks

- 740 Earthworks are proposed across the site and are described in the application Appendix 14 – Infrastructure Report and Appendix 16 – Earthworks Management Plan, in conjunction with Applicant's Response Appendix 13 – Construction Management Plan.
- 741 Approximately 7140m³ of earthworks are proposed over approximately 6.12ha to form roads, install civil drainage works and other services, and construct the Lot 200 and Lot 201 stormwater soakage devices. The volumes include cut and fill. Land disturbance is limited to no more than 5ha of open area at any given time.
- 742 Applicant's Response Appendix 05 – Capture Plan Set provides draft erosion and sediment control drawings, with works indicatively being managed by a combination of stabilised accessways, clean water and dirty water diversions, temporary soakage basins, silt fences and progressive stabilisation. The approach is based on the CRC best practice guideline Erosion and Sediment Control Toolbox for Canterbury. While soakage basins are shown on the drawings, the Earthworks Management Plan also includes detail of a standard sediment retention pond. We comment on that later.
- 743 CIAL incorporated management of earthworks into its comments regarding aircraft safety. With respect to earthworks, this comprises potential dust generation and temporary ponding of rainwater within sediment control devices, as well as temporary ponding of rainwater within depressions across the site that may be formed during earthworks.
- 744 In its Minute 13 Response, the Applicant provided updated conditions. Those relating to earthworks (Conditions 19 to 30) were largely unchanged from the conditions issued for comment and were identified as agreed with by CRC and CCC.
- 745 An Environmental Management Plan (**EMP**) is required to be submitted to CRC for certification prior to works commencing. The EMP must include an updated Erosion and Sediment Control Plan (**ESCP**).
- 746 The works are required to be undertaken in general accordance with the drawings submitted. The EMP and updated ESCP are to be submitted to CRC for certification prior to works commencing. The EMP must be prepared in accordance with the CIAL publication 'Requirements for Working at the Airport 2023' to address construction activity risks to Christchurch International Airport operations and shall include various listed matters, including:

- management of bird-attracting activities in accordance with the WHMP and other conditions;
- dust, stockpile, waste and debris management, including procedures for securing materials and objects to prevent windblown debris or hazards to aircraft; and
- visibility risk management, including dust and debris controls to prevent impairment of pilot vision or air traffic control.
- Condition 28 also requires the minimisation of dust, in accordance with the Regional Air Plan.
- Conditions 16 and 31 require that "Any change in ground levels must:

"a. not cause a ponding or drainage nuisance to neighbouring properties"

747 We find that an explicit exclusion of 'not cause a ponding within the site' is an appropriate additional requirement for those conditions to meet the intent of the EMP and addressing CIAL comments.

748 The WHMP will be imposed on future individual lot earthworks via consent notices. That management plan, which will apply during all phases of earthworks, also includes controls on stockpile, dust and water ponding.

749 We find that usefully an additional explicit requirement should be included to specify that temporary sediment control devices must preferentially be based on ground soakage (rather than standard sediment retention ponds), to minimise the incidence and period of ponding water after rain.

750 In its response to Minute 16, CRC provided amendments to the detail required by the ESCP, monitoring, timing of submission to CRC and the process for amending the document. The applicant has adopted those changes, as do we.

751 Subject to these minor additions to conditions, we find that the proposed earthworks can be managed to avoid adverse effect on aircraft safety and airport operations, and otherwise acceptably minimise other effects during construction.

Noise and vibration

752 Noise effects are addressed in the application Appendix 04 - Acoustic Assessment. It includes an assessment of operational and construction noise.

753 At section 8, the assessment concludes:

- Existing time-average and maximum noise levels in the environment principally from road and air traffic are a notable margin above the applicable Rural Zone noise limits. Compliant activities within the development will have minimal additional noise effects in this environment.
- The type of industrial activities provide for by the application can be designed to comply with rural noise limits. If necessary, mitigations are available to ensure that occurs.

- Activities with yards or truck manoeuvring areas at the road frontages or factory building openings close to and facing the road frontages, where operations are proposed to take place during night-time hours, could have a condition of consent imposed that a noise report by an appropriately qualified and experienced acoustic engineer shall be required, to mitigate risk of non-complying activities being established.
 - Additional road traffic generated by the development is expected to result in 0-2 dB increases. This would be a minimal noise effect. We note that less than 3 dB is generally assessed as not being an appreciable change.
 - With respect to noise, the establishment of industrial activities within the development site near to Christchurch International Airport is appropriate and has precedent.
 - The Construction Management Plan will address those temporary effects.
 - "Based on the above assessments, the operation of industrial activities at the proposed Ryans Road site will result in minimal additional noise effects on rural dwellings, in the context of the existing and predicted future noise environments, and will be within a suitable noise environment for industrial activities to operate safely".
- 754 Section 7 of the Acoustic Assessment states that "Assessment of vibration is not required in the District Plan for general construction activities. At this stage, we would expect assessed vibration levels would not exceed cosmetic damage guidance limits with reference to DIN standards."
- 755 We note that proposed Condition 8 imposes CDP 6.1.4 General Noise Rules and 6.1.5 Zone Specific Noise Rule limits to future development and noise standards for the Industrial General Zone for all lots. This seeks to set noise standards associated with the future industrial activities and reflects the trigger for consent under the CDP for light spill exceedances within the rural urban fringe zone.
- 756 We note that no Construction Noise and Vibration Management Plan is required or even mentioned in conditions. Section 7 of the Acoustic Assessment relies on the District Plan or NZS 6802:2008 Acoustics – Environmental Noise for the management of construction noise. We note that there is no requirement for a Construction Noise and Vibration Management Plan (**CNVMP**) within the conditions and that the draft Construction Management Plan provides minimal guidance of identification and management of exceedances. While we note that the associated conditions are agreed by CCC, we find it unusual that a CNVMP is not required for the construction period of the development. We recognise that the site is within a relative high noise environment, being surrounded by roads and the Airport, including the GCH facility. We also note in section 7 of the Acoustic Report that certainly "the horizontal construction and likely the vertical construction will exceed six months and therefore will need to meet the more restrictive long-term duration limits of NZS 6802:2008. CDC permitted activity rule 6.1.6.1.1 P2 adopts compliance with NZS 6803:1999 Acoustics - Construction Noise.
- 757 The Acoustic Assessment notes that "... the majority of works can be expected to comply with the noise limits from NZS 6803. Exceptions might be works immediately around the south and east site edges and road corridor related works" and:

NZS 6803 anticipates that in some instances recommended limits cannot be met even where best practicable options for noise avoidance or mitigation have been investigated, and advises that these stages of works are identified to the relevant authority, in this case Christchurch City Council. This is so that scrutiny can be given and so that adequate notification can be given to the affected community.

758 We consider that a CNVMP is the appropriate mechanism to specify compliance and management of exceedances, and for CCC to certify, monitor and enforce compliance with its specifications. We invite the Applicant and CCC to offer a suitable condition requiring a CNVMP or advise why one is not required.

759 At section 4.4 of its letter included with CIAL's Minute 6 response, GCH stated:

The proposed development introduces:

- *A new population exposed to frequent low-level helicopter noise, including night operations;*
- *A high likelihood of future reverse-sensitivity pressure on emergency helicopter services.*

760 Our findings on this issue are embedded in our overall findings provided in the Aircraft Safety and Airport Operation section of our determination report, regarding impacts of the proposal on the GCH operations. In isolation of the other aircraft safety issues, we consider it appropriate to include a no complaints covenant on the proposed lots that would be subjected to helicopter noise. We have included conditions accordingly but invite the Applicant to confirm appropriate wording.

Lighting

761 Application Appendix 15 – Lighting Assessment addresses the proposed lighting design and management of effects. This is of particular relevance to managing potential effects on aircraft safety and airport operations.

762 Compliance is required with CAA rules and CDP prohibited activity rules. These rules govern aspects such as light spill, glare, and the intensity and colour of lighting, and must be adhered to throughout the construction and operation of the development.

763 CCC is satisfied with the proposed lighting design, and various conditions have been agreed with the applicant.

764 CIAL in its comments identified the design and management of lighting as a critical matter to be considered in the context of aircraft safety. CIAL sought various additions to the conditions, some of which have been noted by the applicant but not included with the Additional Information version of the conditions on which comments were based. The changes sought were:

- Compliance with permitted activity Rule 6.3.4.1 of the CDP;
- CCC to have a certification role for the Site-specific lighting plan required by Condition 9 (b.)
- Land Use Condition 10 (a.) requires future development and construction to comply with permitted activity lighting spill rule 6.3.5.1 of the CDP.

- New Land Use Condition 11 to control the lighting within 500m of the runway threshold. This should apply to all phases of the development, including future development and construction within the proposed lots. The condition should include all specific mitigation measures identified by the lighting report for development within 500m of the runway threshold.
- Include an additional land use consent condition that repeats the requirements of Subdivision consent condition 85 construction stage lighting requirements.

765 With the adoption of these changes, CIAL was supportive as they relate to compliance with the permitted Airport specific lighting rules.

766 The Minute 13 response version of conditions provided by the Applicant address this request. It also includes the Condition 21 requirement for covenants to be issued against each future lot that requires compliance with the obligations imposed by those conditions.

767 Further detail and comments on light have been received through the Minute 16, Minute 17 and Minute 19 responses. These are discussed in the Aircraft Safety section of our report.

768 As discussed here and in the Aircraft Safety section, we find that potential adverse lighting effects will be overall minimised to an acceptable level, and with respect to the operations of the Airport and aircraft safety, will be avoided.

Mana Whenua, Archaeology and Accidental Discovery

769 The Applicant has not specifically addressed archaeology, and no comments have been received on that matter.

770 No sites or items are identified within the property as being subject to the control of Heritage New Zealand under the Taonga Act 2014.

771 Te Ngai Tūāhuriri Rūnanga requested that an ADP be adopted to manage the unexpected discovery of material of significance to Mana Whenua during the construction activities.

772 Chapter 18 provides an accidental discovery protocol that has been agreed with CCC and CRC. We find that that will satisfactorily address that issue and is consistent with the approach sought by Te Ngai Tūāhuriri Rūnanga.

PART E: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

773 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.

774 We note that the Government established an Independent Advisory Group to assess applications for projects seeking to be listed in the Fast Track Approval Bill (**FTA Bill**). The Group made recommendations to three joint Ministers on these projects and this project was considered and subsequently included in Schedule 2 of the FTAA. However as noted above in Part C section 81(4) FTAA specifically requires the Panel to consider the extent of the project's regional or national benefits.

- 775 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.¹⁶²
- 776 There is no specific definition of significant regional or national benefits in the context of listed projects. Section 22 FTAA, which relates to the criteria for assessing a referral application, provides the following:

(2) *For the purposes of subsection (1)(a), the Minister may consider—*

(a) *whether the project—*

- (i) *has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list;*
- (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure;*
- (iii) *will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020);*
- (iv) *will deliver significant economic benefits;*
- (v) *will support primary industries, including aquaculture;*
- (vi) *will support development of natural resources, including minerals and petroleum;*
- (vii) *will support climate change mitigation, including the reduction or removal of greenhouse gas emissions;*
- (viii) *will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards;*
- (ix) *will address significant environmental issues;*
- (x) *is consistent with local or regional planning documents, including spatial strategies.*

The Proposal

- 777 The economic costs and benefits of the proposal are identified in section 5 of the Applicant's economic assessment (Application Appendix 20) prepared by ME.¹⁶³ The ME report seeks to quantify and summarise the economic benefits of developing 104 Ryans Road and then evaluate the benefits against the regional and national economies to assess their overall significance.
- 778 Land supply and demand matters are relied on in ME's assessment of the economic benefits of the proposal. The ME report states that the provision of freehold industrial-zoned land adjacent to Christchurch Airport offers significant economic benefits, supporting both local and regional economic growth and that the scarcity of freehold industrial land near the airport limits opportunities for businesses that prefer land ownership for long-term investment security and operational flexibility (section 5.1.1). The report considers the benefits of co-locating industry with the airport, land market competition and then identifies the direct economic benefits, being construction effects and operational effects (section 5.1.4). The report also identifies 'flow on effects'

¹⁶² Section 85(3) FTAA.

¹⁶³ Economics Assessment – 104 Ryans Rd Industrial Development, 11 March 2025.

(backwards linkages) from the construction sector or the warehousing/storage or industrial businesses that locate on the land.

- 779 The ME report (section 5.1.4.1) calculates that the proposal is expected to sustain the employment equivalent of 755 construction sector FTE's (across the build periods), injecting approximately \$259m of GDP into the Christchurch economy. Accounting for backwards linkages, this level of stimulus sustains 2,205 FTEs for 1 year and supports \$574m in contributions to Canterbury Region's GDP.
- 780 The ME report also calculates the operational phase economic benefits once building is completed and new businesses move in. The report makes assumptions about the mix of activities that could potentially locate there and determines that collectively, using Christchurch specific productivity factors, these businesses would generate turnover of just over \$385m annually and that, of this, some \$178m is delivered as a direct contribution to GDP in the Christchurch economy (section 1.5.4.2). The report also calculates that direct, indirect and induced activity contributes almost \$330m to Christchurch City's GDP each year which ME considers generates significant economic benefits for the Christchurch and Canterbury economies.
- 781 In section 5.2 the ME report identifies economic costs associated with the proposal, identifying that the most significant economic cost of the proposal is likely to be the opportunity cost of converting the land from agricultural to industrial use. ME consider the estimated loss in gross returns would range from \$82,250 to \$222,000 per year, which is both a small fraction relative to Canterbury's total agricultural production and is negligible compared to the significant identified benefits.
- 782 The report concludes that the regional economic impacts of this development under the FTAA are significant and that the project will directly contribute to economic growth, job creation, and increased commercial activity, reinforcing the region's economic base and enhancing its ability to support a growing population (section 6).

Comments from parties

Christchurch City Council

- 783 The CCC response included technical evidence (at Appendix 3) from Formative.¹⁶⁴ Much of Formative's report covers matters of land supply and demand covered earlier in our decision. This assessment then informs Formative's assessment of the economic costs and benefits (in section 3.1.3). Formative consider that the economic assessment does not quantify the value of many of the economic benefits such as increased land supply, co-location and competition but note that this quantification can be difficult. Formative generally accept ME's conclusions in relation to economic benefits, in that they provide an adequate qualitative discussion of the benefits. Formative considers that the ME assessment provides no quantification of these economic benefits, and there is limited information provided within the report of even the general scale of these benefits. Formative considers that the conclusion in the economic assessment that these impacts will be significant is not proven.

¹⁶⁴ Ryans Road Fast Track Economic Review, 25 August 2025.

- 784 Formative broadly agree with the approach adopted (an economic impact assessment - EIA), with the assessment measuring the direct expenditure and the flow on economic activity required to support the direct expenditure and induced spending by households but identify a mismatch between the assumed activities that will locate there and subdivision pattern (as covered earlier in our land supply assessment). Formative also identify an inconsistency between the total direct expenditure estimated in the in the body of the economic assessment and the final tables and consider the regional GDP impact is potentially inflated due to this inconsistency. Formative also identifies that the economic assessment assumes that all of the GDP and employment effects from the construction and operation phases are net additional to the region but that some of this activity would have been accommodated within the region elsewhere if the Ryans Road development did not occur. While at a local level (District or Airport environs) the transfer effect can be less important, especially if there are constraints on supply of land, at a regional or national level Formative consider the assumptions that all GDP and employment effects are net additional will tend to overstate the economic impacts.
- 785 Formative also comment on ME's economic costs assessment and state (section 3.1.3) that the estimated loss in gross returns from farming range of \$80,250 to \$222,000 per year does not record all of the value associated with agricultural production as the farming operation will have direct labour and other costs, both of which will not occur if the Site is developed for industrial use, and furthermore, there will be indirect and induced activity within the wider economy. Formative note this value could be easily quantified using the same method as was adopted in the economic assessment for the building construction activity and industrial operational activity. Additionally, the ME assessment does not cost the loss of productive agricultural soils, noting that the loss of rural land may be small given the size of the Site in the context of total agricultural land in Canterbury. Formative also state that the economic assessment has provided no quantification or assessment of the other costs which include infrastructure costs and transport costs.
- 786 In conclusion, Formative considers that the quantified economic benefits of construction and operation are likely to be significant at the regional level and not significant at the national level, but that the overall value of those benefits is likely to be lower than what is estimated in the economic assessment (section 3.1.4). Unfortunately, Formative have not quantified what the reduction is, nor provided a figure for the resultant lowered economic benefits.
- 787 Formative also note that the economic assessment does not state conclusions as to whether the adverse impacts (costs) are out of proportion relative to the economic benefits, which is an important aspect of the test within the FTAA (s85(3)(b)). Formative considers that a formal cost benefit assessment (CBA) following the standard framework applied by the New Zealand Treasury for major public investments and policy assessments, should have been undertaken to verify that the quantified benefits outweigh the associated costs. Formative notes that applying a CBA framework would enable clearer quantification and comparison of the project's economic, social, and environmental effects, and would provide a more robust evidential basis for determining whether the adverse impacts of the proposal are out of proportion to its benefits.
- 788 CCC's report (which the Formative assessment is appended to) states (paragraph 51) that a cost benefit analysis to understand the net economic benefits would be required if significant adverse impacts in relation to the proposal are otherwise identified, to inform the assessment under section 85(3)(b).

Canterbury Regional Council

789 CRC commented on regional benefits in their comments, stating that the benefits of the industrial development at Ryan's Road, as set out by ME, are not being questioned by CRC and that an economic assessment was not undertaken by CRC at [24]. In Appendix 4 of their comments, CRC noted that the development will help to enable people and communities to provide for their economic well-being which is consistent with Objective 5.2.1 of the RPS, and that the development is taking place close to an existing urban area, with its associated workforce availability, and is adjacent to key transport infrastructure (Christchurch International Airport and State Highway 1).

790 In terms of costs, these are not expressly identified, however, CRC considered that "any adverse environmental effects that may arise from the proposal can be appropriately avoided, remedied or mitigated subject to conditions of consent, should the Panel approve the application" at [3].

Christchurch International Airport Limited

791 We note our consideration of air safety matters considered earlier and do not repeat that here. Rather, this section focusses more explicitly on regional benefits and costs matters.

792 In their initial response, CIAL did not comment on regional benefits of the proposal.¹⁶⁵ CIAL identified a number of concerns with the proposal such as with air safety, but did not expressly quantify these concerns. The CIAL memorandum in response to Minute 6¹⁶⁶ referred to insurance matters [24] and cost burdens on GCH and others (paragraph 30), stating that the potential adverse impacts and cost burdens are not known and cannot be quantified. The memorandum further stated that:

to the extent aviation safety risks could be mitigated or avoided at all, the Project would do so by externalising these risks to existing aviation infrastructure and operators, requiring changes to, or curtailment of, airport and aviation operations at CHC. Any such operational or system-level response would impose real and potentially significant costs on CIAL, aviation operators (including emergency and rescue services), the region, and New Zealand more broadly. Those costs have not been identified or assessed in the economic material relied upon by the Applicant" at [8.2(b)].

793 CIAL considered the project refinements reduce the proposal and necessarily alter the nature and extent of the development and in turn the benefits of the proposal at [36].

794 In response to Minute 8 CIAL stated that the project's economic case does not account for mitigation costs that may fall on infrastructure providers, undermining the realisation of infrastructure benefits at [6(f)].¹⁶⁷

795 In response to Minute 9¹⁶⁸ CIAL stated that the potential impacts of allowing the proposal are not abstract or minor in character and include the risk of catastrophic loss of life, serious injury, destruction of aircraft, and cascading operational and economic consequences for nationally significant infrastructures from a single point of failure at

¹⁶⁵ CIAL comments on the Ryan's Road Industrial Development Substantive Fast-Track Application, 15 September 2025.

¹⁶⁶ Memorandum of Counsel for CIAL Addressing Minute 6, 18 December 2025.

¹⁶⁷ Memorandum of Counsel for CIAL in Response to Minute 8, 16 February 2026.

¹⁶⁸ Memorandum of Counsel for CIAL in Response to Minute 9 Directions, 23 February 2026.

[24.1]. CIAL further states that without knowing exactly what changes or concessions the Applicant needs to make to its proposal in light of the (to be quantified) safety risks, the Applicant is in danger of having over-stated or significantly overstated its benefits at [24.5]. CIAL referred to previously undertaken detailed catastrophic loss modelling at [25] to quantify the financial consequences of a range of worst-case aviation events for insurance stress testing. CIAL stated that the Panel has therefore not been put into a position where it can properly determine matters it must have regard to under s81 FTAA, nor the question of whether the adverse impacts of the proposal are sufficiently significantly out of proportion to the benefits at [26]. We note here that our findings are that the proposal will not compromise the functioning of the aircraft safety system of the Airport. Therefore, we do not need to balance such cost against the economic benefits. In any event, we would not entertain such a trade-off. In our opinion, increasing risk to human life must be avoided and would not necessitate an economic weighting.

Additional Christchurch International Airport Comments

- 796 Additional evidence was filed by CIAL from Mr Balchin of Incenta Economics Consulting. Mr Balchin identifies various limitations with the modelling at [16]. Mr Balchin states this type of modelling assumes expansion in the target sector and associated sectors can occur without causing any other adverse effects in other sectors, which is not the same as an approach that compares all relevant aspects of the world "with" the project to all relevant aspects of the world "without" the project at [16]. He considers all sectors of the economy are related, and so the likelihood exists that an expansion in a particular sector will have an adverse effect on activity elsewhere, which should be taken into account and, in essence, weighed against the deemed benefit of the project.
- 797 Mr Balchin states that there is a strong chance that a proportion of the economic activity that is attracted to the development will simply be activity that would have been undertaken anyway, but just at a different location (such as another industrial estate in Christchurch) and that activity which is simply displaced from a different location in Christchurch (or, indeed anywhere else in the Canterbury Region) cannot increase the economic activity in the Canterbury Region at [18]. Mr Balchin states that the ME analysis assumes that the entirety of the projected future use of the Carter Group development comprises activities that would not have occurred in the absence of the proposal, considering this assumption to be extreme and not justified by the ME analysis at [19].
- 798 Acknowledging that the proposed development may have locational advantages (such as proximity to transport routes or other businesses that are located near Christchurch International Airport), and therefore inducements of new activity, Mr Balchin states that the principal effect of introducing a superior option (in terms of location) is that activity that would have occurred otherwise will simply shift to this location at [20].
- 799 Mr Balchin considers that the economic benefits from an increase in competition are limited at [21]. He also does not expect allowing new businesses to own their land and building to have a material impact on the level of new activity that is induced. Rather, business operators that wish to own the land upon which they operate are likely simply to be displaced from other locations where only leasing options exist, rather than for new activity to arise at [22].

- 800 Mr Balchin considers that the economic impact of the development will depend on the size of the direct activity that takes place across the various parts of the development (including expenditure and employment), and the nature of the activity, with those that are more integrated with the local economy (i.e., that draw upon inputs from the local region) expected to generate a greater regional multiplier at [24]. He also refers to timing as part of present value calculations. Mr Balchin considers ME's conclusions that there will be additional value added of \$320.7 million per annum annually to the Canterbury Region and 3,267 ongoing jobs is based upon very high level assumptions about the nature of activities that ultimately may be undertaken and as no actual activities are as yet planned, the magnitude and identity of activities must be somewhat speculative at [26]. Mr Balchin compares a separate previous ME assessment undertaken for CIAL and notes that the regional impact estimated for this similar sized land estate (\$193 million per annum and 1,349 ongoing jobs) is materially lower than the estimate that ME has provided for the CGL project at [26] and [27].
- 801 Mr Balchin concludes that there are strong grounds to be sceptical as to whether the proposed Carter Group development would be classed as "regionally significant" and/or the extent of benefit the proposal offers at [30].
- 802 Mr Balchin states that ME has provided a markedly higher threshold for potential costs or adverse events to be recognised in the assessment under the FTAA, stating that for costs to carry weight in an economic assessment, the analysis must move beyond generalised assertions of "potential" or "theoretical" impacts and be based on a demonstrable, direct causal relationship between the Project and clearly defined operational consequences for airport or aviation activities at [31].
- 803 Mr Balchin makes two key statements in response, firstly that the degree of certainty that costs should have before being given weight is not drawn from economic principles and rather, economic principles would advocate taking account of all information, and making the best decision based on that totality of information. Secondly, ME's estimates of beneficial economic impact are potentially no less speculative than the costs at [32]. He notes ME has mischaracterised Airways and CIAL's position, which is that the development has the potential to have adverse impacts on operations at the Airport, with the outcomes ranging from economic (i.e., requiring expenditure to remedy) to potentially catastrophic and that no one can say with any certainty what those impacts will be yet and (if present) how they could be avoided at [33].
- 804 Mr Balchin concludes by stating that it would be appropriate to delay to the development in order to obtain the information required to ensure that potentially material to catastrophic adverse events can be avoided; whilst also not placing more restrictions on the development than necessary at [34].

Airways Corporation Limited

- 805 We note our consideration of air safety matters considered earlier and do not repeat that here. Rather, this section focusses more explicitly on regional benefits and costs matters.
- 806 Similar to the CIAL comments in response to the application, Airways did not comment on regional benefits with the proposal.¹⁶⁹ Airways identified a number of concerns with

¹⁶⁹ Ryans Road Industrial Development Fast Track Application Airways Submission, undated.

the proposal, such as with air safety, but did not expressly quantify these concerns. Similar to CIAL, in their response to Minute 6¹⁷⁰ Airways notes that the various aeronautical studies place significant reliance on Airways' ability and willingness to adjust, configure, or optimise aviation equipment and introduce procedures to mitigate the effects of the development and that this could result in ongoing operational burdens and costs for Airways (page 1). Airways consider the Applicant has not sufficiently investigated the aviation safety risks associated with the Application (at [9(a)]).

- 807 In response to Minute 8¹⁷¹ Airways stated that there is a fundamental lack of information in the Application on the aviation safety risks on Airways' infrastructure, which requires significant and critical further work by the Applicant and that it is important that the safety risks are understood and then quantified and addressed by the Applicant at [22]. In response to Minute 9, ¹⁷²Airways restated that the inadequacy of the Applicant's aviation safeguarding assessment means there is a high degree of uncertainty as to the extent of aviation safety risks on Airways' infrastructure posed by the Application, and further studies are required before the evidential basis is properly understood (at [3(c)(ii)]).

New Zealand Transport Agency

- 808 We note our consideration of transport matters considered earlier and do not repeat that here. Rather, this section focusses on regional benefits and costs matters.
- 809 In their response to Minute 6, NZTA did not comment on regional benefits from the proposal. NZTA identified proposed conditions to respond to adverse transport effects arising from the proposal.¹⁷³ The response did not quantify the identified adverse effects, however some of those identified (e.g. on the Pound Road/State Highway 73 (SH73) roundabout) potentially required significant roading upgrades to mitigate the effects of the proposal. This is further examined in our transport section.

Other parties

- 810 Most of the other parties did not expressly raise matters related to economic benefits or costs.
- 811 The Minister for Regional Development referred to the Applicant's economic assessment, noting that given the scale of the projected economic benefits as set out in the application's economic assessment, the project could deliver significant regional economic benefit.¹⁷⁴
- 812 The Minister for the South Island stated that the Ryan's Road industrial Development is expected to deliver regionally significant infrastructure and land-use benefits, particularly through the provision of freehold industrial land in a strategically constrained area adjacent to Christchurch international Airport.¹⁷⁵ The Minister stated

¹⁷⁰ Ryans Road Industrial Development Fast Track Application Airways Submission Supplementary, undated.

¹⁷¹ Memorandum or Counsel on Behalf of Airways Corporation of NZ, 16 February 2026.

¹⁷² Memorandum or Counsel on Behalf of Airways Corporation of NZ, 23 February 2026.

¹⁷³ Memorandum of NZTA Waka Kotahi on the Ryans Road Industrial Development, 18 December 2025.

¹⁷⁴ Fast-track Approvals Act substantive application – Ryans Road Industrial Development (FTAA-2504-1054), Comments, Minister for Regional Development, 9 September 2025.

¹⁷⁵ Fast-track Approvals Act substantive application – Ryans Road Industrial Development, Minister for the Sought Island, 9 September 2025.

that the project strengthens long-term economic capacity and supply chain resilience by enabling export-facing businesses near Christchurch Airport, contributing significantly to regional GDP, and addressing a critical shortage of industrial land and that given the scale of the projected economic benefits, including job creation and regional investment, the project will deliver significant regional economic benefit and does not require further economic analysis at this stage.

Applicant's response to comments

- 813 In response to CCC's comments the Applicant provided a further report from ME, from Mr Akehurst.¹⁷⁶
- 814 Mr Akehurst acknowledges transfer effects are a valid consideration in economic impact analysis, as substitution or displacement effects can, in some cases, reduce the overall net gains from development, particularly when measured at a regional or national scale (section 5, page 12). Mr Akehurst accepts that a portion of the businesses relocating at Ryans Road may represent relocations from other sites within Christchurch but considers that the majority of the resulting economic activity will be genuinely additional to the regional economy and that ME's assumption of predominantly net additional effects remains reasonable and appropriate. Mr Akehurst refers to the shortage of freehold, serviced and zoned land within the airport environs, growth in freight logistics and efficiency gains to support their conclusions.¹⁷⁷
- 815 Responding to the criticism of not providing a formal CBA, Mr Akehurst re-examines the benefits and costs. Updated construction and operational phase benefits and FTE figures are provided (section 6).
- 816 Mr Akehurst then covers transport outcomes and greenhouse gas emissions (section 6.2) with reference to an assessment by Lumen Limited, noting that within the cost-benefit assessment framework, transport outcomes and emissions are relevant to determining whether potential environmental effects are outweighed by the broader economic and social benefits. In terms of overall findings, Lumen Ltd consider the proposed development will support a reduction in greenhouse gas emissions and does not result in significant adverse effects in this context. The Lumen report argues the Site's transport efficiency and lower emissions profile contribute to both direct environmental benefits (through avoided GHG emissions) and indirect economic benefits (through reduced logistics and infrastructure costs).
- 817 In section 6.3 Mr Akehurst addresses infrastructure costs and funding sufficiency, noting that a key consideration in the economic assessment is whether the infrastructure costs associated with the Ryans Road development will be fully funded through developer contributions, or whether there is potential for a cross-subsidy from the wider Christchurch community. The report states that all internal infrastructure (including roads, water, wastewater, and stormwater networks) will be constructed and funded directly by the developer before vesting to Council and that external network connections and minor intersection upgrades will also be delivered by the developer in coordination with CCC, that there are no large-scale off-site capital works required from the Council, and that future operation, maintenance, and renewals will be funded through normal rating mechanisms applied to future property owners within the

¹⁷⁶ Ryans Road Industrial Development – Reply to CCC, 31.10.25.

¹⁷⁷ Ibid, page 12.

subdivision, consistent with other industrial areas in Christchurch. Mr Akehurst concludes that there will be no material cross-subsidy from the wider community, and that from a cost-benefit assessment perspective, this means that infrastructure provision is effectively fiscally neutral, i.e. the associated costs are internalised within the project rather than imposed on ratepayers, and that consequently, the net economic benefits generated by the Ryans Road development can be viewed as a genuine gain to the Christchurch and Canterbury economies.

818 In section 6.4 Mr Akehurst assesses the loss of highly productive land, stating that the principal economic cost associated with developing the Ryans Road Site relates to the opportunity cost of converting highly productive rural land to industrial use. The report then accounts for wider economic activity associated with agricultural production (such as direct employment, input purchases, and induced expenditure within the broader economy) which was not accounted for in the original assessment. Mr Akehurst concludes that the total annual value added from potential agricultural use of the Site is estimated to range between approximately \$156,000 and \$417,000 per year, but that the economic potential unlocked through industrial development on this strategically located Site far exceeds the value of its current or potential farming returns.

819 Mr Akehurst also provides conclusions as to whether the adverse impacts (costs) are out of proportion relative to the economic benefit, stating that (section 6.5):

Taken together, the Ryans Road development delivers large, sustained, and well-distributed benefits, both quantified and qualitative. The limited adverse effects are not out of proportion to these gains. In accordance with section 85(1)(a) of the FTAA, the overall cost-benefit balance clearly demonstrates that the proposal will make a net positive contribution to Christchurch's economy, infrastructure efficiency, and environmental performance.

820 In response to Minute 9, the Applicant provided a further economic assessment from ME (Ms Hong and Mr Akehurst) on regional significance and third party costs.¹⁷⁸ The report assessed the project scale changes relative to regional significance and the relevance and potential magnitude of any alleged costs imposed on third parties as a result of aviation-related effects. The report re-stated construction phase and operational phase FTE and value added from the project as a percentage of Canterbury's GDP and assessed how this might change as a result of reductions in project scale and its sensitivity. The report stated (section 3.3) that the Project's regional significance is robust to moderate reductions in scale and that reductions of up to approximately 40% would still result in:

- GDP contributions in excess of 0.6% of Canterbury's economy, and
- A long-term GDP contribution of \$2.2Bn in present value terms, and
- Ongoing employment levels in the order of 2,000 jobs.

821 The ME report concluded that the Project would likely retain its regionally significant status unless it were subject to very substantial reductions in scale (more than 50%),

¹⁷⁸ Economic Assessment of Regional Significance and Claimed Third-Party Costs – Ryans Road Industrial Development, 19 February 2026.

which would proportionally reduce its long-term contribution to regional GDP and growth (section 3.4).

822 The ME response to Minute 9 also assessed aviation-related operational costs (section 4), stating that material costs imposed on third parties, most notably operational constraints on CIAL and Airways, are relevant to a comprehensive assessment of the Project's net regional economic impact and that substantiated, significant and enduring costs borne by a regionally important entity such as CIAL and Airways could, in principle, offset some portion of the Project's direct gross benefits and reduce its net contribution to the Canterbury economy (section 4.1).

823 The ME report states that for such costs to carry weight in an economic assessment, the analysis must move beyond generalised assertions of "potential" or "theoretical" impacts and be demonstrable, with a direct causal relationship between the Project and clearly defined operational consequences for airport or aviation activities. The report states that, as currently framed, the concerns raised identify no specific operational changes that would be required, nor do they quantify any resulting cost impacts.

824 In the absence of this specificity, ME consider the claimed costs remain abstract and cannot be meaningfully weighed against the Project's quantified benefits. The report then sets out the minimum evidential requirements to identify and action aviation-related operational costs and concludes that the claimed CIAL/ Airways costs are: non-falsifiable and economically non-actionable; that they cannot be tested, compared, or weighed against the Project's quantified benefits in a rational decision-making framework; and that at present, the claimed costs lack the specificity, quantification, and causal attribution required to inform an assessment of net regional economic effects (section 4.2).

825 The ME report then identifies what the costs would need to be to undermine the projects regional significance, stating they would need to be of a very substantial magnitude, when assessed relative to the scale of the Project's benefits (section 4.3). A reoccurring annual operational cost of \$50-\$100 million is posited as an illustrative example of an operational cost that would represent a major offset to the Project's benefits and would warrant a re-evaluation of the net regional economic effect. A one-off capital cost of \$500 million, amortised over 25 years (equating to approximately \$20 million) is posited as an illustrative operational cost, which while material, would not, on its own, be sufficient to negate the Project's regional significance.

826 The report states that the aviation technical experts have identified that either there are material impacts or no significant impacts and that any mitigation necessary would be limited in scope with only minor costs (section 4.4). It concludes that:

For claimed operational constraints on CIAL/Airways to materially affect the Project's regional significance, they would need to be both clearly attributable to the Project and exceptionally large in scale. At present, there is no evidence that costs approaching this magnitude are either probable or plausible. The assertions remain speculative and unquantified, and therefore cannot reasonably be relied upon to diminish the Project's established regional economic contribution.

827 Mr Akehurst provided a further statement of supplementary evidence¹⁷⁹ in response to the 12 March 2026 evidence of Mr Balchin for CIAL. In his supplementary evidence (at

¹⁷⁹ Supplementary statement of evidence of Greg Akehurst, 17 March 2025.

[8] to [14]), Mr Akehurst commented on the techniques used by ME, stating that the ME economic effects assessment approach is consistent with well-established practice for regional economic assessments and with the way economic evidence has been considered in recent decisions under the FTAA. Mr Akehurst states the criticism Mr Balchin levels at the modelling's 'input-output' approach at [16 (b)] is correct in a generic sense – but does not apply in this instance and that there are no adverse effects in other sectors that arise.

828 Mr Akehurst also considered Mr Balchin's comments on the potential relocation of activity from elsewhere at [15] to [20], acknowledging this is a valid consideration, but that in a growth economy that has a shortfall of capacity to cater for growth (the situation in Christchurch), businesses moving are irrelevant, as they free up land for new businesses to occupy, and that therefore the assumption of predominantly net additional effects at the regional level remains reasonable and appropriate. Mr Akehurst considers the majority of the resulting economic activity is likely to represent genuine additions to the regional economy because:

- of the well documented shortage of serviced, freehold industrial land in proximity to Christchurch International Airport, particularly for logistics and distribution activities;
- the logistics, freight, and distribution sectors have experienced sustained structural growth, rather than simply the relocation of existing activities within the region; and
- even where relocation of firms does occur there are improvements in operational efficiency, logistics performance, and productivity, which is a legitimate economic benefit, even where overall employment levels remain broadly similar.

829 Mr Akehurst also commented on Mr Balchin's statements on the uncertainty of activities locating on the Site at [21] to [26]), stating that while the precise identity of future tenants cannot be known at this stage, this level of uncertainty is typical for developments of this nature and the modelling approach adopted by ME provides a reasonable and appropriately conservative estimate of the economic scale of activity that the site could support.

830 Regarding Mr Balchin's concerns on site constraints affecting the regional significance of the project, Mr Akehurst points out that the land subject to Condition 21D (lots 71, 91, 92, 121, and 122) represents approximately 13% of the overall development area and the large majority of the site would remain unaffected (at [29] to [31]). Accordingly, the presence of Condition 21D does not materially alter the conclusions of the ME assessment.

831 Mr Akehurst also comments on potential third party costs, stating that the potential aviation-related costs referenced in submissions are largely conceptual and have not been quantified in a manner that would enable them to be directly incorporated into an economic assessment, and that in the absence of credible quantified estimates, it is not possible to determine whether such costs would materially offset the economic benefits associated with the development (at [36]). Mr Akehurst concludes that the available evidence does not indicate that potential third-party costs would materially alter the overall assessment of the project's regional economic significance (at [39]).

Panel findings

- 832 As set out earlier in our Decision the term “significant” is not defined in the FTAA. The panel that determined the *Maitahi Village* substantive application¹⁸⁰ looked to the ordinary meaning of ‘significant’ and on that basis used the meaning “sufficiently great or important to be worthy of attention; noteworthy”. The term ‘benefit’ is also not defined. Its ordinary meaning is ‘advantage’.
- 833 As identified earlier, we also note that there is no definition or explanation setting out what a significant regional (or national) benefit might be. The *Maitahi Village Panel* found it was insufficient to rely on the fact that the project is listed in Schedule 2 to find it has significant regional or national benefits (at [83] - [85]). We agree with this finding.
- 834 In terms of the FTAA s22 referral provisions, we agree with the findings of other Fast Track Panels¹⁸¹ that while these criteria do not directly apply to our substantive consideration given this Project was listed, they provide a “flavour of, or guide to” what might be required to demonstrate significant regional or national benefit. As the proposal is for an industrial activity, the key criterion from s22 is whether the project will deliver significant economic benefits.
- 835 We consider that the assessment of the extent of the Ryans Road project’s benefits, and whether they are significant, is a factual question based on evidence and informed by judgement. That factual assessment is undertaken against a regional or national reference point which asks whether the benefits are significant to the region or to New Zealand.
- 836 We note that ME’s assessment of the regional benefits of the proposal is informed by their land supply and demand conclusions. Our conclusions as to land supply were that it is not clear that there is a significant shortfall of vacant industrial land in Christchurch in the short to medium term, however we accept that more vacant industrial land is likely required in the longer term and that there is strong demand for land in the airport environs. Whilst we note that sufficient capacity might exist currently, the provision of the additional capacity is a positive effect, albeit potentially realised over a longer timeframe period. We note that we have no evidence before us that an over-supply of industrial land would be a disbenefit of the Proposal.
- 837 We consider that where there are no other opportunities to provide the industrial capacity provided by this proposal then the benefits to the regional economy would likely be net positive. However, based on our findings in relation to land supply, and consistent with advice from Formative and Mr Balchin, we consider that some, or potentially much, of the construction and operational benefits identified in the ME report could have occurred elsewhere in Christchurch had this proposal not proceeded (even taking into account the growth in the logistics, freight, and distribution sectors), given there is other vacant land available. Unfortunately, based on the evidence before us we are unable to quantify this transfer value, nor the corresponding reduction in regional benefits.

¹⁸⁰ FTAA-2502-1009-Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024, 18 December 2025.

¹⁸¹ For example Maitahi at paragraphs [83] – [85] and Tekapo Power Scheme at [338] – [339].

838 We note that there appear to be some changes across the ME reports for the specified construction phase and operational phase FTE and benefits. For example, direct construction sector FTE's reduce from 755 in the original AEE economic assessment to 695 in the second ME report, and total FTEs and the contributions to the Canterbury Region's GDP reduce from 2,205 and \$574 million to 2070 FTEs and \$263 million (once the backwards linkages are fully accounted for). Whilst we note these changes, based on the evidence provided we consider the regional benefits, excluding costs, likely remain significant. We also find that the proposal, as amended in response to party comments would still likely generate significant regional benefits. However, we note we do not have any evidence on the quantum of displacement / transference and the corresponding reduction in net benefits from this.

839 The FTAA does not explicitly address whether an assessment of benefits is to be undertaken on a gross or net basis. We note that the Panel hearing the *Wairarapa North Project* preferred evidence that (at [374]):

... where economic benefits are relied on by an applicant, any economic disbenefits should be allowed for, particularly if the benefits and disbenefits are of the kind that have market values against which they can be measured in money terms. But ... we do not accept that adverse environmental impacts must be monetised and factored directly into the assessment of economic benefits.

840 Whilst the original economic assessment did not account for a number of costs, the ME response to CCC's comments identifying this concern includes additional costs, covering transport and greenhouse gas emissions, infrastructure costs and loss of highly productive land. We have no contrary evidence before us on the greenhouse emissions analysis and highly productive land analysis provided and accept the ME evidence on these matters.

841 With regard to infrastructure costs, we accept that the costs of the infrastructure identified in the ME report, being that within the site and on Ryans Road and Grays Road will be funded by the developer and as such will be fiscally neutral. But we disagree with Mr Philips' assertion that the infrastructure costs of the proposal will be fully funded by the developer (at [13]).¹⁸² We have addressed potential impacts on the wider road network in the Transport section of our decision. We have concluded that there should be a mechanism to identify progressive impacts on the Ryans Road / Pound Road intersection such that costs associated with resolving those potential impacts that are attributable to the development can be borne by the development. That was not proposed by the Applicant. Beyond that intersection, we do not directly attribute wider network costs to the development although acknowledge that it will contribute to the need for future network upgrades undertaken to address existing congestion as well as the impacts of additional future developments.

842 We have carefully and extensively engaged in our FTAA s81 duty to consider the regional economic benefits of the proposal against potential adverse effects, including on aircraft safety, airport operations and the transport network. Our findings on airport safety and efficiency matters and transport are set out in Part E of our decision. Regarding costs, we find that there are unlikely to be any adverse effects on the airport operations as a result of the modifications to the proposal and the application of the conditions we have proposed. Those conditions as proposed and then modified by us,

¹⁸² FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Planning, 28 November 2025, Novo Group.

seek outcomes that will avoid the need for Airways or CIAL to invest in system upgrades. Likewise, conditions now provide for the current GCH operations including flight paths. Hence, costs for those parties that are attributable to the development are avoided. On that basis there is no need to weigh up cost to the airport operation against the economic benefit of the proposal. We also note that no party provided any quantified evidence on disbenefits arising from the aviation effects of the proposal.

843 Whilst we find that the benefits of the proposal are very likely less than that stated in the ME report and subsequent evidence, we are satisfied that the overall benefits of the project, (i.e. minus the quantified and unquantified disbenefits identified in our effects assessments), are regionally significant.

844 As we confirm in Part N, we find that the significant regional benefits outweigh the economic and other disbenefits arising from the Project.

PART G: STATUTORY DOCUMENTS

845 The AEE addressed the relevant statutory documents and identified relevant provisions. To avoid repetition, this section of the decision focuses on the documents of particular relevance to the Application and the comments received. The Panel also relies on the findings we have made earlier in this decision report in relation to effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part N: Regional and District Planning Framework as relevant to the topic area).

National Policy Statements

846 The relevant National Policy Statements were addressed in section 10 of the AEE (and in response to Minute 8) and include:

- (a) The National Policy Statement for Freshwater Management 2020 (**NPS-FM**);
- (b) The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**);
- (c) The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**);
- (d) The National Policy Statement for Infrastructure (**NPS-I**); and
- (e) The National Policy Statement on Urban Development 2020 (**NPS-UD**).

847 These are addressed in turn in this section, including where amended by the Government's December 2025 NPS amendments. We record here that we are satisfied that the proposal is consistent with the National Policy Statement for Natural Hazards 2025 and the National Policy Statement for Electricity Networks Amendment 2025, noting that the risk of natural hazards on the site is low and that there is no evidence of any adverse effects from the proposal on the electricity network.¹⁸³

National Policy Statement for Freshwater Management

848 The NPS-FM sets out a framework under which local authorities are to manage

¹⁸³ FTAA2504-1054 Ryans Road Industrial Development Minute 8 Response: New National Direction Instruments Planning Assessment, Novo Group, 16 February 2025.

freshwater (including groundwater).¹⁸⁴

849 The objective of the NPS-FM (as set out in 2.1 Objective, clause 1) is to ensure that natural and physical resources are managed in a way that prioritises the:¹⁸⁵

- (a) health and well-being of water bodies and freshwater ecosystems;
- (b) health needs of people (such as drinking water); and
- (c) ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

850 This objective reflects the hierarchy of obligations in Te Mana o te Wai.¹⁸⁶

851 Appendix 32 of the application assesses the NPS-FM stating (page 5) that these policies aim to ensure sustainable and equitable management of freshwater resources, balancing ecological health with human needs. The assessment concludes that accounting for the findings in the technical assessments on water quality, engagement with tangata whenua and the assessment of equivalent provisions concerned with freshwater in other statutory planning documents, the proposal is assessed as being consistent with the sole objective of this NPS and its associated policies.

Comments from parties

Christchurch City Council

852 In their comments on the NPS-FM state (paragraph 268) that the water race is not a river and will be retained for much of its extent, with the exception of culverts providing for vehicle crossings. CCC refers to their assessment and technical advice, including recommended conditions, and consider that the values associated with the water race will be maintained.

Canterbury Regional Council

853 CRC considers that the Applicant's review of the NPS-FM is not comprehensive enough, and a more thorough review is required against each relevant policy to justify the conclusion that the proposal is consistent with these higher order planning documents (Comments Table, page 14 and Appendix 4). CRC also made various comments in relation to freshwater management which have been considered in our effects assessment in Part E. CRC notes that the water race at the site feeds into freshwater streams that flow through Christchurch City and considers it important that its values are protected in order to be consistent with the higher order planning documents.

Applicant's Response

854 The Applicant did not address the NPS-FM comments directly in the Applicant's Response. However, water quality matters were addressed. The response from Ms

¹⁸⁴ NPSFM clause 1.5.

¹⁸⁵ NPSFM clause 2.1.

¹⁸⁶ NPSFM clause 1.3.

Dale states that there are no outstanding issues in relation to water quality, noting the agreed condition package that has been prepared by CRC and the Applicant.¹⁸⁷

Panel Findings

855 Based on the evidence before us and our conclusions in our assessment of effects on freshwater in Part E of this Decision, we find that the proposal is consistent with the NPS-FM.

856 For completeness we find that the NPS-FM Amendment 2025 and Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 are not relevant to this proposal as the changes are limited to quarrying/mineral extraction activities.

National Policy Statement for Indigenous Biodiversity

857 The objective of the NPS-IB (as set out in 2.1 Objective, clause 1) is:

- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
- (b) to achieve this:
 - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
 - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
 - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
 - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

858 Appendix 32 of the AEE sets out the relevant objectives and policies for the NPS-IB and states (page 6) that these policies aim to halt the decline of indigenous species and ecosystems, ensuring their protection and restoration for future generations. The assessment concludes that accounting for the findings in the assessments of ecology and biodiversity effects (Herpetology and Avifauna especially), engagement with tangata whenua, and the assessment of equivalent provisions concerned with indigenous biodiversity in other statutory planning documents, the proposal is assessed as being consistent with the sole objective of this NPS and its associated policies.

Comments from parties

Christchurch City Council

¹⁸⁷ FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Planning, 26 November 2025, paragraph 65.

- 859 CCC states (paragraph 289) that the application site is not within a Site of Ecological Significance identified in the CDP and, having regard to the advice provided¹⁸⁸ and recommended conditions, CCC consider that the proposal is consistent with the objectives and policies of the NPS-IB.

Canterbury Regional Council

- 860 CRC considers that the applicant's review of the NPS-IB is not comprehensive enough, and a more thorough review against each relevant policy is required to justify the conclusion that the proposal is consistent with these higher order planning documents (Comments Table, page 14 and Appendix 4).

Applicant's response

- 861 The Applicant did not address the NPS-IB comments directly in the Applicant's Response. However, fresh water ecology, indigenous vegetation effects and herpetology matters were addressed, including responding to CCC and CRC comments on these matters and providing amended conditions.

Panel Findings

- 862 Based on the evidence before us and our conclusions in our assessment of effects on indigenous biodiversity in Part E of this Decision, we find that the proposal is consistent with the NPS-IB. For completeness we note that the December 2025 changes to the NPS-IB related to quarrying/mineral extraction are therefore not relevant to this proposal.

National Policy Statement for Highly Productive Land

- 863 Our assessment of the NPS-HPL is contained in our assessment regarding effects on land supply at Part E of this Decision. In summary, we consider the Proposal is consistent with NPS-HPL.

National Policy Statement for Infrastructure

- 864 The NPS-I provides national direction to guide the efficient development, management, and upgrading of infrastructure across New Zealand. It recognises infrastructure as nationally significant and aims to support community wellbeing, health, and safety, while ensuring environmental impacts are appropriately managed.

- 865 The objective of the NPS-I (as set out in 2.1 Objective clause 1) is to:

- (a) ensure the national, regional and local benefits of infrastructure are provided for;
- (b) enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;

¹⁸⁸ Three statements of ecological evidence are provided in CCC's response (contained in appendices 11, 12 and 13).

- (c) enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;
- (d) ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and
- (e) ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure.

866 The NPS-I was not addressed in the AEE as it was not in existence at the time the Application was lodged. In Minute 8 the Panel noted that the NPS-I was approved by the Governor-General on 15 December 2025 and requested the Applicant, CCC, CRC, Airways and CIAL to confirm the extent to which the new NPS-I raises additional matters for assessment of resource consent approvals sought under the FTAA and undertake a brief assessment of the impact of such matters on the Application and the Panel's evaluation task.

Comments from Applicant

867 In a legal memorandum the Applicant stated they accepted CCC's legal opinion that: the NPS-I applies to all infrastructure activities except those covered by the NPS Renewable Energy Generation and the NPS for Electricity Transmission; that "infrastructure activities" includes existing infrastructure activities; and that policies 10 and 11 do not apply to decisions on resource consents (paragraph 5).

868 The memorandum stated that, in summary (paragraph 6), the Applicant's view is that the proposal is fully consistent with the NPS-I and in particular, 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.

869 The legal memorandum restated earlier advice on the NPS-HPL which also applies to the NPS-I (paragraph 7). This advice was that that 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. It also stated that while clause 17(1) of Schedule 5 requires decision-makers to "take into account" provisions of the RMA that guide resource consent decisions, RMA plans and policies remain relevant and mandatory considerations under the FTAA, however, there is no obligation to "give effect to" higher-order instruments such as an NPS-HPL. The NPS-HPL 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.

870 The applicant provided a planning assessment from Novo Group¹⁸⁹ that concluded the proposal is consistent with the objective and relevant policies of the NPS-I and in

¹⁸⁹ FTAA2504-1054 Ryans Road Industrial Development Minute 8 Response: New National Direction Instruments Planning Assessment, 16 February 2025, page 7.

particular, is compatible as far as practicable with existing and planned infrastructure, and appropriately manages adverse effects on infrastructure. The assessment concluded that the proposed new and upgraded infrastructure will otherwise support the development and the social, economic and cultural wellbeing derived from it.

- 871 In his supplementary evidence,¹⁹⁰ Mr Phillips agrees that the NPS-I recognises the importance of enabling the safe and efficient operation of nationally and regionally significant infrastructure, including airports, but does not agree that policy 10 and 11 are relevant, noting those provisions apply to decisions on planning instruments, not resource consents. He states that even if policies 10 and 11 were relevant, the proposal does not compromise the functioning or future operation of Christchurch International Airport (based on the unchallenged expert aviation evidence provided) and that in that context, the proposal is consistent with the enabling intent of the NPS-I while appropriately managing potential effects on infrastructure.

Comments from parties

Christchurch City Council

- 872 CCC provided a legal opinion and planning assessment in their response to Minute 8. Their legal opinion stated that Policies 10 and 11 of the NPS-I do not apply to decision-making on the proposal (as these policies do not apply to resource consent applications), however other NPS-I provisions including objective 1 and policy 1 can be relevant to decision-making on the proposal in terms of effects on existing infrastructure including reverse sensitivity.¹⁹¹
- 873 CCC's policy assessment identified the site-specific infrastructure (e.g. roads, stormwater assets) and identified that this has a functional need to locate with the project. While this development in infrastructure benefits the development, wider benefits from it have not been identified nor has it been identified in a spatial planning document.¹⁹² CCC considers that the adverse effects of infrastructure proposed has been considered in CCC comments under FTAA s53.

Canterbury Regional Council

- 874 CRC commented that by virtue of Schedule 5, clause 17 of the FTAA the NPS-I will also apply to relevant decisions made under the FTAA in relation to approvals relating to the RMA (paragraph 2.2).
- 875 CRC stated that NPS-I Policies 1 to 9 apply to all "decision-makers" under the RMA so will inform the assessment of any resource consent approvals sought under the FTAA for, or affecting, infrastructure or infrastructure supporting activities (as defined in the NPS-I), to the extent that they are relevant to the decision at hand (paragraph 2.3). Whereas NPS-I Policies 10 and 11 only concern decisions on "planning instruments", so they are not relevant to decisions about resource consent approvals under the FTAA (paragraph 2.4).

¹⁹⁰ Supplementary Statement of Evidence of Jeremy Phillips, 23 February 2026, paragraphs 60 to 62.

¹⁹¹ CCC Response to Minute 8, Appendix 4 Legal Opinion, paragraph 3.

¹⁹² CCC Response to Minute 8, Appendix 2 Assessment.

- 876 CRC noted the infrastructure proposed on the site and the adjacent Christchurch Airport, stating that Policies 1-4, 6-7 and 9 of the NPS-I will be, at least conceptually, relevant to the Panel's consideration of the components of the proposal that involve the provision of three waters and roading infrastructure (paragraph 2.7).

Christchurch International Airport Limited

- 877 CIAL provided a legal memorandum and planning memorandum from John Kyle in response to Minute 8. In summary,¹⁹³ CIAL considers that the NPS-I is relevant to the Panel's considerations and that while not determinative, tension with its provisions weighs against granting the approval. CIAL consider the Airport is nationally significant infrastructure and that the provisions of the NPS-I enable infrastructure, not adjacent development. CIAL consider the NPS-I seeks to safeguard infrastructure and requires careful management of interface risk and that CIAL and Airways evidence establishes a credible potential risk to public safety and nationally significant infrastructure, directly engaging with the Objective and Policy 1(3)(1). CIAL consider the evidence shows mitigation may require operational constraint, or system modification by existing aviation operators – contrary to Policies 2, 4 and 8 of the NPS-I, and the allocation principle in Policy 11. CIAL consider the Project's economic case does not account for mitigation costs that may fall on infrastructure providers, undermining the realisation of infrastructure benefits.
- 878 Mr Kyle states that the Ryans Road proposal does not meet the definition of infrastructure or associated infrastructure under the NPS-I and that the NPS-I is therefore only relevant to the extent the proposal offends the provisions that relate to infrastructure, or more specifically, the Airport (paragraph 7). The NPS-I is a relevant consideration under RMA s104 and thus is a relevant matter for evaluation under Schedule 5, section 17(1)(b) of the FTAA (paragraph 8). The NPS-I is also relevant when forming a view under section 85(1)(c) to (5). While section 85(4) prevents the Panel from reaching a conclusion solely on the basis of inconsistency with the NPS-I, any such inconsistency remains relevant as part of the overall assessment of adverse impacts under 85(3).
- 879 Mr Kyle analyses each of the NPS-I provisions, stating that a key theme arising is the need for the benefits of infrastructure, and the contribution infrastructure makes to the social, cultural and economic wellbeing of the community to be properly recognised and weighed in decision making processes (paragraph 13). Another key theme arises around compatibility of infrastructure and other activities. Mr Kyle states that in accordance with Policy 10(1)(b), planning instruments developed under the NPS-I will need to ensure that the safe, efficient and effective operation, maintenance and upgrade of infrastructure is not compromised by the adverse effects of other activities (paragraph 14). Notably, the NPS-I also sets a clear expectation around how the interface between infrastructure and other activities will be managed (Policy 11(1)(c)). This includes a general principle that the primary responsibility for managing adverse effects is on new activities.

¹⁹³ CIAL Memorandum of Counsel, paragraph 6.

880 Mr Kyle notes that while the themes of the NPS-I already existed in the RPS (and CDP), the NPS-I offers further and more specific and focused guidance about the provision of new, and the importance of existing infrastructure (paragraph 18).

881 Mr Kyle assesses the NPS-I against the proposal, stating that the most significant potential adverse effects (including safety risks) will likely fall on an item of nationally significant and nationally critical infrastructure, with the risks externalised to the existing aviation infrastructure and operators, requiring changes to, or curtailment of, airport and aviation operations at the Airport (paragraph 20). Mr Kyle also states that the Applicant's economic assessment does not evaluate the potential costs associated with maintaining aviation safety if this project proceeds.

882 Mr Kyle concludes by stating that the policy framework (including the NPS-I) requires: a firm understanding of the potential safety effects of the project; then an examination of what measures can be undertaken to avoid those adverse effects and who bears the cost of those measures; and if the proposal would compromise public safety, efficient operations and/or realisation of benefits that would otherwise accrue from the Airport as a result of externalising costs, decline of consent (paragraph 22).

883 In response to Minute 13, Mr Kyle provided a further statement of evidence in response to Mr Phillip's evidence,¹⁹⁴ stating that nothing in Mr Phillips subsequent statement has caused him to resile from his earlier comments.¹⁹⁵

Airways Corporation Limited

884 In its legal memorandum, Airways state and broadly adopts the planning analysis of the NPS-I (and associated planning documents) prepared by CIAL's independent planners (the planning memorandum) as it relates to Airways' infrastructure and that the Airways memorandum focuses on the legal position of the relevance of the NPS-I to approvals under the FTAA in the Panel's assessment of the Application (paragraph 2).

885 Airways states that the NPS-I's objective and policies are directly relevant and must be considered by the Panel when considering the Application under the FTAA. Airways' navigation infrastructure meets the definition of infrastructure under the NPS-I. The NPS-I is therefore relevant to the adverse effects of the Application on Airways' infrastructure (paragraph 3(b)).

886 Airways state that the adverse impacts from the Application on aviation safety have clearly been set out by Airways in previous memoranda and comments to the Panel and notes that it is critical that a fulsome and careful assessment of the safety effects of the Application is undertaken to ensure that any adverse safety risk is appropriately addressed by CGL, without adversely affecting CIAL's and Airways' critical infrastructure (paragraph 3(c)). Airways state that the adverse aviation safety impacts resulting from the Application are inconsistent with multiple NPS-I provisions as outlined in the Planning Memorandum (paragraph 3(d)).

887 The Airways memorandum sets out how the NPS-I is to be considered under the FTAA, including by reference to section 104(1)(b)(iii), section 81(3)(a) of the FTAA, section

¹⁹⁴ Supplementary Statement of Evidence of Jeremy Phillips, 23 February 2026.

¹⁹⁵ Statement of Evidence of John Clifford Lyle on Behalf of Christchurch International Airport Limited (Planning), 12 March 2026.

85(3) of the FTAA, and Section 85(4) of the FTAA. The memorandum also comments on the application of policies 10 and 11, arguing that they are intended to cascade into planning instruments development under the NPS-I and therefore bind all decisions-makers, but that the NPS-I has only very recently come into effect and there is no (or a very limited) ability for these policies to be included in planning instruments at the current time due to the requirement to stop making plans (paragraph 18). Airways consider it would be illogical for the Panel to disregard these policies entirely, due to the fact that the relevant plans have not yet been updated in light of the NPS-I. Airways identify existing requirements in the CDP and CRPS that require consideration of land use compatibility, similar to policies 10 and 11.

Other Matters

- 888 In Minute 13 the Panel sought legal advice from Ms Hamm (the Panel's legal adviser) regarding the interpretation and application of policy 10 and policy 11 of the NPS-I.¹⁹⁶
- 889 This advice concluded that: the Ryans Road Industrial Development involves applications for resource consent; does not involve the creation of any planning instruments; and that Policies 10 and 11 of the NPS-I are not applicable as these policies apply only to the making of planning instruments.

Panel Findings

- 890 We find that the NPS-I is directly relevant to our Decision as it is a matter we must have regard to. Infrastructure covered by the NPS-I includes the adjacent roading network, the aerodrome, and navigation installations (as defined in section 5 of the Civil Aviation Act 2023).
- 891 We agree with the advice from Ms Hamm (and CCC, CRC and the Applicant) that NPS-I policies 10 and 11 are not applicable to our assessment of this resource consent as they apply to the making of planning instruments (plan making). However, we note that there are existing CRPS and District plan policy requirements that seek to protect the ongoing operation of infrastructure and manage incompatible activities (as identified by Airways), such as CRPS Policy 6.3.5 Integration of land use and infrastructure and CDP Objectives 3.3.13 Infrastructure and 3.3.15 Incompatible activities.
- 892 We find that where the proposal adversely affects the functioning and resilience of the infrastructure the proposal would not appropriately provide for the national, regional and local benefits of the infrastructure (Policy 1) and would therefore be inconsistent with the NPS-I. However, as set out earlier in our Decision in Part E, we find that there are unlikely to be any adverse effects on the airport operations and air safety as a result of the modifications to the proposal and the application of the conditions we have proposed. Regarding transport effects, we acknowledge that all developments generate traffic that must be accommodated by transport networks and that over time, networks require upgrades to accommodate traffic volumes. As set out in Part E, we are satisfied that the effects of the proposal will be in general accordance with the overall network effects of urban growth, but we do make specific recognition of potential effects on the Pound Road / Ryans Road intersection, and include a staging condition accordingly. On that basis we find that the proposal is consistent with the NPS-I.

¹⁹⁶ Holland And Beckett Legal Memorandum in response to Minute 13, 9 March 2026.

National Policy Statement for Urban Development

- 893 The NPS-UD sets out the objectives and policies for planning for well-functioning urban environments under the RMA.
- 894 Appendix 32 of the AEE sets out the relevant NPS-UD objectives and policies and states (page 12) that the proposal is unanticipated by the CDP and CRPS but will add significantly to development capacity and will contribute to a well-functioning urban environment and that overall, the proposal is assessed as being consistent with the NPS-UD. A similar conclusion is contained at paragraph 350 in the Application.
- 895 In terms of provisions, the Appendix 32 assessment states (page 11) that the proposal will achieve a well-functioning urban environment (Objective 1 and defined in Policy 1) as demonstrated by the assessment of effects and otherwise noting that the proposal will provide for a compact urban shape and well-functioning urban environment, with an extension of the existing Christchurch urban area and airport zone. The site is able to be serviced adequately and will allow for both land use and transport efficiencies, noting the site's proximity to strategic transport routes.
- 896 The assessment identifies Objective 4 which recognises that urban environments, including their amenity values, develop and change over time and that 'Urban environments' as referred to in the NPS-UD include the rural areas and zones within the Greater Christchurch urban environment, including the subject land.
- 897 The assessment states Objective 6 seeks that local authority decisions on urban development are: integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity. In its analysis, the AEE states that the assessment of effects and associated technical reports have demonstrated that the development can be effectively integrated with the Council's reticulated infrastructure network and offer strategic benefits (in terms of industrial land supply and demand in this particular locality and market; and in terms of integration with the existing urban area) without any costs or strategic risks. The assessment states the proposal will deliver industrial development capacity that is significant in economic terms and in terms of development capacity accounting for the current shortfall in supply for this locality and market.
- 898 The assessment states (page 12) that under Policy 1 planning decisions must contribute to well-functioning urban environments and that Policy 1 defines a well-functioning urban environment as an urban environment that, among other matters less relevant to this application, provides for good accessibility for all people between housing, jobs, community services, natural spaces, and open space; and which 'have or enable a variety of sites that are suitable for different business sectors in terms of location and site size'. The assessment of effects and economic and industrial land market assessments have demonstrated that the proposal contributes to a well-functioning Christchurch urban environment.
- 899 The assessment notes that local authorities, must at all times, provide at least sufficient development capacity to meet expected demand for business land over the short term, medium term and long term (Policy 2) and that the economic and industrial land market assessments have identified a shortfall in development capacity for business land in this particular (industrial, airport and logistics related) market and locality which the proposal will help to address.

- 900 The statement also refers to Policy 8 (which applies to plan changes) stating that while not a plan change the proposed development is unanticipated by the CDP and CRPS and will add significantly to development capacity and will contribute to a well-functioning urban environment. Paragraph 333 of the AEE further states that to ignore this policy because the proposal is not a plan change would be artificial and to do so would disregard the intent of the NPS-UD to enable sufficient development capacity through the urbanisation of land, through rezoning under conventional RMA processes, or through fast-track consenting under the Act, as is proposed here.

Party Comments

Christchurch City Council

- 901 CCC state that there are no implementation provisions of the NPS-UD relevant to the processing of a resource consent (paragraph 261) and also note that a number of objectives and policies of the NPS-UD apply to planning decisions that are not plan changes, which generally seek well-functioning urban environments providing for a variety of housing and business needs (paragraph 264).
- 902 CCC considers that should consent for the proposed development with an urban character will be enabled and accordingly it will be an urban environment, and will otherwise interface with and affect the urban environment of Christchurch (paragraph 263).
- 903 CCC state that while the Applicant considers the entirety of the Greater Christchurch Area is an "urban environment", there are no objectives and policies of the NPS-UD that either do or do not apply depending on whether the site is within or outside the urban environment and accordingly CCC does not consider it necessary to reach a view in relation to the entirety of the Greater Christchurch Area in giving comment on this application (paragraph 266).
- 904 When considering industrial land sufficiency requirements under the NPS-UD, CCC states that while the sufficiency requirements under the NPS-UD are useful to inform the discussion around economic effects, this development is not required to engage with the provisions of the NPS-UD applicable to a plan change (paragraph 52).

Canterbury Regional Council

- 905 CRC states that the conclusions drawn by the Applicant's assessment of the NPS-UD are independent on whether the Panel deems the proposed site to be within an urban environment (Comments Table, page 14).

Applicant's response

906 The Applicant's response (in a memorandum from Mr Phillips dated 28 November 2025) addresses CCC's comments. Mr Phillips notes (paragraph 93) that there is not full agreement between the Applicant and the Council on how to assess the NPS-UD, insofar that:

- CCC considers there are no implementation provisions of the NPS-UD relevant to the processing of a resource consent; and
- CCC does not consider it necessary to reach a view on whether the entirety of the Greater Christchurch area is the urban environment.

907 Mr Phillips states (paragraph 94) that notwithstanding, the Council acknowledges that the development, if it proceeds, would be an urban environment and will also interface and affect Christchurch's existing urban environment. The Council also comments that based on its assessment of infrastructure and servicing matters, natural hazards, transport matters, and subdivision and urban design the proposal 'has a design generally suited to its purpose'.

908 Mr Phillips states (paragraph 95) that in summary, CCC comments therefore conclude that the proposal is generally consistent with the NPS-UD – a conclusion also reached in the assessment accompanying the application. The assessment goes on to state that accounting for this and that no significant issues or adverse impacts arise that require further evaluation of the NPS-UD, no further assessment is necessary in regards this matter.

Panel Findings

909 We note CRC's comment that the conclusions drawn by the Applicant's assessment of the NPS-UD are dependent on whether the Panel deems the proposed site to be within an "urban environment". CCC also comments on where the "urban environment" is. The NPS-UD defines the urban environment as any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

910 We have not found any planning evidence in the Application that directly addresses the definition in relation to the Site. Rather, the AEE states (Appendix 32, page 11) that "'urban environments' as referred to in the NPS-UD include the rural areas and zones within the Greater Christchurch urban environment, including the subject land." We consider that simply stating that rural areas and zones within the Greater Christchurch urban environment meet the definition is not evidence demonstrating how the Site meets the conjunctive tests in limbs (a) and (b) of the definition.

911 However, based on our understanding of the project and assessment of the wider area, especially its proximity to the existing urban areas of Christchurch, we consider the Site is very likely within an "urban environment" (as defined in the NPS-UD) and therefore the provisions of the NPS-UD will apply. We consider it is likely within a housing and

labour market of 10,000 people (i.e. Christchurch) and is intended to be urban in character through the proposal. Whilst it is intended to be urban in character, for completeness we consider that the current predominant character is best described as 'semi-rural'. We note the AEE's urban design assessment (Appendix 23) described the site and surrounding area as follows (page 2):

The site itself currently exists predominantly as vacant grassed farmland, bordered along its eastern and southern extents by a low gorse hedge....Besides Christchurch Airport, land use in the area is largely farming related, consisting of both larger and smaller land holdings, interspersed with various industrial (storage yards, distribution, and contracting businesses) and rural-residential properties, with an area of industrial development to the northeast. The semi-rural mixture of land use, including various farming enterprises, Christchurch International Airport, private residences and industrial businesses, form a key component of the local area's character.

- 912 We consider the AEE's conclusions on Objective 4 (and its implementing Policy 6) in relation to urban environments and amenity values changing over time are not accurate as Policy 6 clearly states it applies to the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS-UD. CCC confirmed in its comments that the CDP was amended through Plan Change 14 to give effect to the NPS-UD (paragraph 260). We note that the site is zoned Rural Urban Fringe and therefore the CDP anticipates the planned built form being consistent with that zone, i.e. Rural Urban Fringe not urban industrial.
- 913 Regarding the relevance of Policy 8, we disagree with the planning assessment's analysis. This policy clearly relates to plan changes, whereas this proposal is a resource consent. As CCC's comments state, there are other policies that relate to resource consents.
- 914 We note the AEE comments regarding meeting Objective 6. We find that the proposal has not demonstrated that it is fully integrated with infrastructure planning and funding decisions (clause a) for the Ryans Road / Pound Road intersection. We understand an intersection upgrade has been identified by CCC with initial concept design, but is not currently funded. We also acknowledge other network planning being undertaken by CCC and NZTA. We have determined that the Ryans Road / Pound Road intersection should be covered by conditions requiring staging to ensure the development's integration with the planning and funding of necessary intersection improvements, consistent with Objective 6. We have also concluded that the proposal will not impact on other intersections such that specific mitigations should be attributed to the Application. Our conclusions on this matter are set out in our transport effects section in Part 5 of this Decision.
- 915 Regarding being responsive to supplying sufficient development capacity under Policy 2 as identified in the AEE, we consider this requirement relates to plan changes, not resource consents. NPS-UD clause 3.3(2)(a) clearly states that in order to be sufficient, the development capacity must be 'plan enabled', i.e. provided for within the CDP – it does not include the ability to provide this sufficient development capacity through a resource consent. On this matter, we note CCC also stated that while the sufficiency requirements under the NPS-UD are useful to inform the discussion around economic effects, this development is not required to engage with the provisions of the NPS-UD applicable to a plan change (at [52]). We do however consider sufficiency arguments are a relevant matter when considering whether a proposal will contribute to a well-functioning urban environment as Policy 1 describes well-functioning urban environments as environments that, among other things: have or enable a variety of

sites that are suitable for different business sectors in terms of location and site size (clause b); and support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets (clause d).

916 Regarding Objective 1, Policy 1 and well-functioning environments, we consider that the proposal would contribute to a well-functioning urban environment principally due to the following reasons:

- Its proximity to existing urban areas of Christchurch;
- Its proximity to the airport;
- There is a high demand for industrial land in the airport environs;
- It is well connected via a number of roads, including arterial roads and State Highways;
- The site has long term constraints for farming;
- There are no site-specific environmental reasons, such as sites of ecological significance, or cultural values that would be adversely affected;
- It is adjacent to an existing urban area (the airport) and adjacent to an area already identified in the GCSP as "New/expanded industrial areas" (in Map 14 Broad locations for future development); and
- The adverse effects of the proposal are able to be managed through conditions.

917 We therefore conclude that, assuming the NPS-UD applies, the proposal will contribute to a well-functioning urban environment and correspondingly would generally be consistent with the NPS-UD, where this is relevant to a resource consent application.

National Environmental Standards

918 The only NES identified in Section 10 of the AEE of relevance to the Application is The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil).

919 As set out in the AEE, the NES Soil controls soil disturbance on land where an activity on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. The AEE identifies that the site has historically been used for agricultural and cropping purposes. CRC's Listed Land Use Register (LLUR) does not currently record the Site as having contained a past or present HAIL activity, instead, the Site has been identified as HAIL land via a Detailed Site Investigation (DSI) contained in Appendix 6 of the AEE (paragraph 119).

920 Results from the sampling undertaken as part of the DSI concluded that most soil samples were below human health guidelines, except for two hotspots around the buildings where arsenic exceeded the guidelines (paragraph 309). Due to the presence of contaminants above background concentrations and the soil disturbance volumes required for the development, resource consent is required as a restricted discretionary activity under the NES Soil (paragraph 310).

- 921 The AEE states that the Applicant's suitably qualified and experienced expert in land contamination will develop a Remedial Action Plan (RAP) for the site outlining the remediation requirements. The RAP will be submitted to the local authority for their records. Post remediation, further sampling will be required to validate the site post building or infrastructure removal, and a Site Validation Report (SVR) will be produced and sent to the Councils. The development and implementation of a RAP and SVR are volunteered as consent conditions (paragraph 311).
- 922 The AEE concludes that contaminated soils can be appropriately managed by standard practices and any risk to human health or in regard to runoff to waterways are less than minor and acceptable (paragraph 312).

Comments from parties

Christchurch City Council

- 923 In its comments, CCC confirms the proposal is a restricted discretionary activity under the NES Soil (paragraph 24). Soil contamination matters are addressed in CCC's comments under "Health effects".
- 924 CCC notes that there is not any disagreement between Council and the Applicant in relation to human health effects (paragraph 189) and considers that the conditions proposed by the Applicant to prepare a RAP and SVR are appropriate to manage the effects of the identified soil contamination (paragraph 191).

Canterbury Regional Council

- 925 CRC commented on contaminated land matters and, relying on technical evidence contained in Appendix 3 to their comments, agreed with the DSI report and the applicant's recommendations regarding a RAP prior to earthworks and an SVR once remediation is completed. CRC also provided advice in relation to CRC consenting matters outside of the NES requirements. CRC considers the RAP and SVR should be provided to CRC and that any technical guidelines are followed to ensure appropriate handling and disposal of any contaminated land. CRC considers that issues identified by CRC's contaminated land expert can be addressed through the proposed changes to conditions.

Applicant's Response

- 926 The Applicant's Response was provided by Ms Dale (contained in Appendix 1).¹⁹⁷ Ms Dale noted that there is agreement between CGL, CCC and CRC on contamination matters (paragraph 66). Condition changes were recommended in response to CRC's comments. Ms Dale concludes that given that CCC's s53 comments raised no issues regarding contamination and fully accepted CGL's conditions and that the final wording of conditions has now been agreed with CRC, there are no contamination matters in contention (paragraph 71).

Panel Findings

¹⁹⁷ FTAA-2504-1054: Ryans Road Industrial Development Applicant Section 55 Response – Planning, 26 November.

- 927 Our findings on land contamination as an adverse effect are set out in our effects section in Part E of this Decision. We find that the proposal is in accordance with the NES Soil, taking into account the proposed consent conditions.

PART H: REGIONAL AND DISTRICT PLANNING FRAMEWORK

- 928 An assessment of the relevant statutory plans has been included within the AEE as is required by Schedule 5, clause 5(1)(h).
- 929 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by CCC, CRC and CIAL. We outline the key matters in the following sections (as well as adding further considerations and assessment).

Canterbury Regional Policy Statement

- 930 Appendix 32 of the AEE contains an assessment of the relevant planning provisions. Within that assessment the Canterbury Regional Policy Statement (**CRPS**) is assessed.¹⁹⁸ The CRPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Canterbury Region.

- 931 The assessment analyses the following relevant chapters of the CRPS:

- Chapter 5 Land Use and Infrastructure
- Chapter 6 Recovery and Rebuilding of Greater Christchurch
- Chapter 7 Freshwater
- Chapter 11 Natural Hazards
- Chapter 12 Landscapes
- Chapter 15 Soils
- Chapter 16 Energy
- Chapter 17 Contaminated Land
- Chapter 19 Waste Minimisation and Management

- 932 The overall assessment of the CRPS in the AEE (paragraph 354) is that the proposal has *"some tension with provisions in Chapter 6 of the Regional Policy Statement that require new business zones to be located within identified greenfield priority areas", however "the proposal will not necessarily offend those provisions."*

- 933 Regarding the proposed industrial activity being located outside of a greenfield priority area and Objective 6.2.2, the AEE states that the proposal will provide for development on the periphery of the Christchurch International Airport and the city itself, where demand exists for industrial land (per the economic assessment provided in Appendix 20), and in a location that can be serviced efficiently and is well located in respect of

¹⁹⁸ AEE Appendix 32, beginning on page 12.

the transport network. The proposal therefore does not necessarily offend this objective, even though it is not currently identified as a greenfield priority area.¹⁹⁹

934 The AEE also states (paragraph 355) that *"the remaining provisions in the CRPS are generally concerned with issues and effects of regional significance, and in that respect, such matters will not arise or will be appropriately managed by way of proposed conditions and/or the attributes of the proposal."*

935 The AEE states (paragraph 356) that "overall the proposal is considered to be generally consistent with the Regional Policy Statement."

Comments Received

Canterbury Regional Council

936 CRC identified the following issues in their assessment of the proposal against the CRPS:²⁰⁰

- Development outside identified areas;
- Loss of primary production and versatile soils;
- Effects on infrastructure; and
- Managing contaminated land at the site.

937 CRC also considered the assessment of the proposal against the CRPS is incomplete as:

- (a) There is no assessment of Chapter 9 Ecosystems and Indigenous Biodiversity even though the ecological assessment has concluded that at least one threatened species is present at the site. CRC considers an assessment of Chapter 9 should be included, however, notes that consent conditions have been proposed to protect threatened species and that the proposal is likely to be consistent with Policy 9.2.2 and 9.3.²⁰¹
- (b) The assessment does not address Chapter 14 Air Quality and that given earthworks on the site will generate dust, an assessment of Chapter 14 should be undertaken with reference to the dust management measures outlined in the application. Ongoing air quality impacts from industrial activity on the site should also be addressed. However, CRC notes that consent conditions have been developed to manage dust at the site and that the proposal is likely to be consistent with Objective 14.2.2.²⁰²
- (c) There is no assessment of Chapter 18 Hazardous Substances, and Policy 18.2.2 new contamination of land, is relevant to the application as the HAIL sites within the proposal pose a risk of new contamination of land if adequate remediation is not undertaken. CRC considers an assessment of CRPS chapter 18 should therefore be undertaken. However, CRC considers the proposed consent

¹⁹⁹ AEE, Appendix 32, Assessment under Objective 6.2.2, page 19.

²⁰⁰ CRC Comments, Appendix 4, paragraph 2.

²⁰¹ CRC Comments, Appendix 4, pages 24 and 25.

²⁰² Ibid, page 26.

conditions cover spills of fuel or any other hazardous substances within the site and that the proposal is likely to be consistent with Objective 18.2.1 and Policy 18.3.1.²⁰³

- (d) The planning assessment of Chapter 19 Waste Minimisation and Management notes that this Chapter is of limited relevance but provides no explanation to support this conclusion.

938 In relation to development outside identified areas, CRC confirms that the site is outside of existing urban areas and greenfield priority areas identified in Map A of the CRPS, and that the development is not expressly provided for in the CRPS. However CRC states it is for the Panel to determine whether there is sufficient industrial land already available within Christchurch City.²⁰⁴ CRC states the assessments supplied by the Applicant identify that existing available industrial land in Christchurch City is inadequate to meet demand in the medium to long term, which is in contrast to the assessment prepared by the Greater Christchurch Partnership in 2023 which concluded that there was sufficient industrial land in greater Christchurch for the next 30 years and beyond, with a significant surplus in Christchurch City.²⁰⁵ CRC considers it is therefore not possible to determine whether the proposal is consistent with Policy 6.3.11 (Monitoring and Review).²⁰⁶

939 Regarding loss of versatile soils, CRC states the site is currently used for rural activities, and the proposed development would foreclose the ability to continue those activities on the site, and that the site meets the definition of versatile soils in the CRPS. However, CRC states it is for the Panel to determine whether the benefits of the proposal outweigh the loss of productive use of versatile soils at the site.

940 CRC's assessment regarding the airport as critical infrastructure is that the proposed consent conditions are designed to manage adverse effects on the efficient operation, use, development, appropriate upgrade, and future planning of Christchurch International Airport but that the proposal is likely broadly consistent with Policy 6.3.5 (Integration of land use and infrastructure).²⁰⁷

941 Regarding transport, CRC considered that more information is needed to determine the effects on State Highway 1 and transport corridors, which is a strategic freight route, but that the proposal is likely to be broadly consistent with Policy 6.3.4 (Transport effectiveness).²⁰⁸

Christchurch City Council

942 CCC addressed the CRPS in its comments stating that the Christchurch District Plan has given effect to the CRPS through its preparation, including the zoning of the subject site

²⁰³ Ibid, page 28.

²⁰⁴ CRC Comments, Appendix 4, Table 2.

²⁰⁵ CRC comments, Appendix 4, pages 19 and 20.

²⁰⁶ Ibid, page 20.

²⁰⁷ Ibid, page 13.

²⁰⁸ Ibid, page 17.

as rural.²⁰⁹ However CCC states that the proposal not within one of the areas identified for urban development in the CRPS.²¹⁰

Other comments

- 943 A number of other parties commented on particular topic areas, such as DoC on wildlife management matters, Airways in relation to aircraft safety, and NZTA in relation to transport, but did not comment expressly on the CRPS provisions and whether the proposal was consistent with or contrary to them.
- 944 In his statement of evidence Mr Kyle for CIAL comments on CRPS policies 5.3.9 and 6.3.5 (along with CDP Objective 6.7.2.1 and Policy 6.7.2.1.2) stating that the policy approach is prudently cautious given the significant impact that could accrue if safe navigation and the control of aircraft is somehow compromised, and that in his opinion, avoidance is the appropriate course where there remains doubt about the effect of this proposal on the cited matters.²¹¹

Applicant's response to comments

- 945 The Applicant did not expressly respond to comments on the CRPS in the Applicant's Response but did respond to matters of detail in relation to identified adverse effects, as set out in the topic sections of our decision.
- 946 In his 23 February 2026 supplementary evidence²¹² Mr Phillips stated that the relevant CDP aviation provisions give effect to and are consistent with the CRPS, including those provisions expressly recognising the importance of Strategic Infrastructure.
- 947 Mr Phillips also touches on the CRPS in his 18 March 2026 supplementary evidence,²¹³ referring to how the CRPS provisions cascade into the CDP (paragraph 25). He also responds to Mr Kyle's evidence (for CIAL) stating that Mr Kyle has incorrectly referenced CRPS Policy 5.3.9 which refers to the wider region of Canterbury rather than the area of Canterbury within Greater Christchurch (paragraph 30) and that CRPS Policy 6.3.5(5) is concerned with managing the effects of activities that have the potential to limit the efficient and effective operation, maintenance or upgrade of strategic infrastructure and that "avoiding activities" is only one way effects can be "managed" within the policy framework (paragraph 31).

Panel findings

- 948 We consider the evidence provided in the AEE on the CRPS to be light. However, further evidence on the CRPS in relation to aircraft safety matters has been provided in the various supplementary statements of evidence set out earlier. Our findings on the extent to which the proposal is consistent or otherwise with the provisions of the CRPS is informed by our assessments against the various relevant topics as summarised below.

²⁰⁹ CCC comments under Section 53(2)(a), dated 19.06.25, paragraph 257.

²¹⁰ Ibid, paragraph 207.

²¹¹ Statement of Evidence of John Clifford Lyle on Behalf of Christchurch International Airport Limited (Planning), 12 March 2026, paragraphs 37 to 40.

²¹² Supplementary statement of evidence of Jeremy Phillips, 23 February 2026.

²¹³ Supplementary statement of evidence of Jeremy Phillips, 18 March 2025.

Development outside of existing urban areas or greenfield priority areas – Chapter 6 matters

949 We find that the proposal is contrary to the directive provisions in the CRPS which identify where urban development can locate (for example, Objective 6.2.2, Policy 6.3.1 and Map A) – the site is not identified as an existing urban area, nor is it an identified greenfield priority area. We therefore do not accept the AEE's assertion that "the proposal will not necessarily offend" these provisions.

950 However, as set out in our assessment of the NPS-UD, the Panel accepts that, while the land is outside of existing urban zoned areas and greenfield priority areas, there may be a pathway available for this development under the NPS-UD.²¹⁴ We note that, irrespective of whether the NPS-UD pathway is satisfied or not, our determination is to be undertaken under s81 FTAA and we need only take into account the CRPS.

951 Our findings in relation to the NPS-UD and s81FTAA are set out later in this decision.

Loss of primary production and versatile soils

952 As set out in our NPS-HPL assessment, we have assessed that the proposal is covered by the NPS-HPL and that it satisfies the exemption in clause 3.10. As such we find that the proposal is not inconsistent with the CRPS provisions that seek to protect primary production and versatile soils

Effects on infrastructure

953 Whilst the AEE states that overall the proposal is considered to be generally consistent with the CRPS, it does not expressly comment on whether the proposal meets 6.2.1(10) which seeks to achieve "development that does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure and freight hubs". Nor does it expressly comment on Policy 6.3.4 in relation to protecting efficient and effective transport networks, nor Policy 6.3.5 which seeks the integration of land use development and infrastructure.

954 This is unfortunate as adverse effects on the airport and transport network have been identified in comments as key matters to consider for this application.

955 In his supplementary evidence Mr Phillips does address CRPS Policy 6.3.5(5), stating that avoiding activities that have the potential to limit the efficient and effective, operation, maintenance or upgrade of strategic infrastructure is only one way effects can be "managed" within the policy framework.

956 We have set out CRPS Policy 6.3.5 below in full:

6.3.5 Integration of land use and infrastructure

Recovery of Greater Christchurch is to be assisted by the integration of land use development with infrastructure by:

1. *Identifying priority areas for development and Future Development Areas to enable reliable forward planning for infrastructure development and delivery;*

²¹⁴ As detailed in the economic assessments provided by the Applicant (e.g. Appendix 20).

2. *Ensuring that the nature, timing and sequencing of new development are co-ordinated with the development, funding, implementation and operation of transport and other infrastructure in order to:*
 - a. *optimise the efficient and affordable provision of both the development and the infrastructure;*
 - b. *maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
 - c. *protect investment in existing and planned infrastructure;*
 - d. *ensure that new commercial film or video production facilities are connected to reticulated water and wastewater systems; and*
 - e. *ensure new development does not occur until provision for appropriate infrastructure is in place;*
3. *Providing that the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade the infrastructure is retained;*
4. *Only providing for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure, including by avoiding noise sensitive activities within the 50dBA_A airport noise contour for Christchurch International Airport, unless the activity is within an existing residentially zoned urban area, residential greenfield area identified for Kaiapoi, or residential greenfield priority area identified in Map A (page 28) and enabling commercial film or video production activities within the noise contours as a compatible use of this land; and*
5. *Managing the effects of land use activities on infrastructure, including avoiding activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs.*

957 We agree with Mr Phillips that avoiding adverse effects is one way effects can be managed, however we consider Policy 6.3.5(b) states that activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs are to be avoided. We consider that the reference to "managing the effects of land use activities on infrastructure" in clause 5 refers to the other types of infrastructure covered by Policy 6.3.5, i.e. infrastructure that is not strategic infrastructure and freight hubs. We also note Policy 6.3.5(4) only provides for new development that does not affect the efficient operation, use, development, appropriate upgrading and safety of existing strategic infrastructure (such as the Christchurch International Airport). We consider our interpretation of 6.3.5(5) is more consistent with the policy approach in 6.3.5(4) than that proposed by Mr Phillips and recognises that Policy 6.3.5 covers many types of infrastructure.

958 For completeness, we agree with Mr Phillips that CPRS Policy 5.3.9 does not apply to the proposal, for the reasons provided by Mr Phillips.

959 Whilst we disagree with Mr Phillip's interpretation on Policy 6.3.5, we note this policy is not so directive as to specify a blanket avoidance of activities, for example industrial activities. Rather it seeks the avoidance of activities that have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs. We have assessed the effects on infrastructure in our Airport and Transport and Servicing sections. Based on our conclusions in those sections we consider that the conditioned activities on the subject Site do not have the potential to limit the efficient and effective, provision, operation, maintenance or upgrade of strategic infrastructure and freight hubs and the proposal is therefore generally consistent with the relevant CRPS provisions, i.e. the material harm is avoided or is mitigated to the point where the harm becomes acceptable. If the proposal did have the potential to limit the efficient and effective, provision, operation, maintenance

or upgrade of strategic infrastructure and freight hubs then we would consider it inconsistent with Policy 6.3.5.

- 960 We consider that while the proposal is not consistent with the CRPS as an industrial development in a rural zone, the proposal has taken account of all relevant matters and effects, and is proposed to be generally consistent with the corresponding industrial zone of the District Plan. That includes its design and provision of infrastructure, management of effects on adjacent roading infrastructure, and avoidance of effects on the Airport. On that basis, and in accordance with the conditions as modified by us, we find that the proposal is generally consistent with the relevant CRPS provisions relevant to infrastructure.

Remaining matters

- 961 Based on the evidence provided and our conclusions on effects, we find that the proposal is consistent with the relevant CRPS matters relating to contaminated land, freshwater, natural hazards, landscape and energy, as any issues that arise can be appropriately managed by way of the proposed conditions and/or the attributes of the proposal.
- 962 For the remaining omitted matters identified by CRPS (ecosystems and indigenous biodiversity, air quality, hazardous substances and waste), we find that these issues can be adequately addressed by conditions and therefore the proposal is not inconsistent with the relevant CRPS provisions on these matters.
- 963 Whilst we consider the proposal to be generally consistent with the relevant CRPS provisions, even if we reached a different finding and considered that the proposal was inconsistent with or contrary to one or more CRPS policies, this would not alter our overall view on the application. In this regard we are mindful of clause 17(1)(b) of Schedule 5 FTAA which excludes from our consideration section 104D of the RMA and section 85(4) FTAA which requires that the 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 document that a panel must take into account or otherwise consider in complying with section 81(2) FTAA.

Regional Plans

- 964 The AEE includes an assessment of the relevant regional rules, determining that consents are required for:
- The discharge of construction and operational phase stormwater (roads to stormwater basin and global consent for 126 lots discharging stormwater to ground) (a non-complying activity) – water permit.
 - To take water for construction purposes (drain damming and diversion) (a discretionary activity) - water permit
 - To undertake earthworks over an aquifer and within riparian margins (including vegetation clearance) and to install a culvert in the bed of a drain (a restricted discretionary activity). Land-use consent

965 A full compliance assessment of the proposal against the relevant regional rules is contained in Appendix 19 to the AEE, and a summary is contained in the body of the AEE (from paragraph 126). In summary, the proposal requires consent due to the following regional rules:

- LWRP Rule 5.94B Construction phase stormwater not discharged from a reticulated stormwater system (RD) – the construction phase stormwater discharge to land will occur on a contaminated site and the area of land disturbed from which the discharge will generate exceeds 2ha. The water taken to divert the Paparoa Water Race Network (PWRN) along Ryans Road while a pipe is installed will be discharged back into the water race downstream;
- LWRP Rule 5.97 Stormwater not discharged from a reticulated stormwater system (NC) – the Application DSI identified the site is contaminated, industrial uses are proposed and global consent is sought for 126 lots to discharge to land via individual treatment / infiltration systems;
- LWRP Rule 5.118 Region-wide rules: Water for construction and maintenance (D) – the take of water for diverting the PWRN along Ryans Road and operated by Selwyn District Council will not meet a number of the conditions in 5.116;
- LWRP Rule 5.176 Region-wide rules: Earthworks over aquifers (D) – the excavation over the unconfined or semi-confined aquifer does not comply with standards in 5.1.5.7 as excavation exceeds 100m³ and the excavation is within 50m of the PWRN.

966 Appendix 32 of the AEE contains an assessment of the objectives and policies relevant regional plans. These are:

- The Canterbury Land and Water Regional Plan (**LWRP**).
- The Canterbury Air Regional Plan (**CARP**).

Land and Water Regional Plan

967 For the Land and Water Regional Plan, the AEE assesses the key objectives and strategic policies²¹⁵, stating that these:

- collectively seek to manage land and water as integrated natural resources (e.g. Objective 3.1);
- manage the quality and quantity of freshwater to safeguard the life-supporting capacity of ecosystems and ecosystem processes (e.g. Objective 3.8);
- maintain freshwater bodies and their catchments in a healthy state (e.g. Objective 3.16);
- protect the natural character of waterbodies (e.g. Objective 3.19); and

²¹⁵ Application AEE, Appendix 32, page 46.

- maintain healthy and productive soils (e.g. Objective 3.23).

- 968 Within the same section, the AEE states that the supporting policies include Policies 4.3 and 4.4 that address the management of surface and groundwater respectively, while policies 4.12-4.14B address discharges of contaminants to land and water, seeking that the effects of any discharge are minimised (Policy 4.13), and that discharges do not exceed the natural capacity of soil to treat or remove contaminants and do not exceed available water storage capacity of soil (Policy 4.14). Policies 4.15-4.17 address stormwater (and community wastewater systems), and Policies 4.15 and 4.16A addresses urban areas and reticulated systems. Policy 4.17 seeks that stormwater run-off volumes and peak flows are managed so they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety. Policies 4.18 and 4.19 address effects of earthworks on surface and groundwater, seeking to ensure discharges are avoided or minimised.
- 969 The AEE states that the relevant rules and resource consent requirements under this Plan have been identified and assessed in the AEE with supporting technical assessments that consider potential effects on land and (particularly) water resources and that, based on that assessment (which concludes that any effects on these resource will be avoided, or managed to acceptable levels), the proposal is found to be consistent with the provisions in the LWRP.²¹⁶

Canterbury Air Regional Plan

- 970 For the CARP, the AEE states that for industrial activities this plan broadly seeks to identify best practicable options to minimise the effects of discharges and manage, and in some situations avoid, discharges of PM10, manage discharges of odour and dust from solid or liquid waste, and addressing localised effects of discharges including relative to sensitive receptors.²¹⁷
- 971 The AEE anticipates that any future discharges associated with individual developments will either fall to be permitted under the Rules of the Air Regional Plan or will be assessed in an integrated manner through the resource consent process and that various options for the design and management of discharges will be available to ensure any adverse effects are minimised.

Comments received

Canterbury Regional Council

- 972 In their comments on the application CRC states that more information is needed regarding the proposed planting and restoration of the water race that adjoins the site in order to determine whether the overall quality of the natural environment will be maintained or enhanced.²¹⁸ However, CRC also states that it considers that the applicant has adequately responded to the potential effects across the key areas relevant to CRC. Where any additional mitigation is required, CRC has discussed this with the applicant's planner and CRC has proposed changes in the condition set.

²¹⁶ Application AEE, Appendix 32, page 46.

²¹⁷ Application AEE, Appendix 32, page 46.

²¹⁸ CRC Comments dated 15/09/25, Appendix 4, paragraph 14.

- 973 CRC states that there are no fundamental remaining disagreements between CRC and the applicant regarding the nature of the issues or the general approach to their mitigation or management and that CRC considers that the key issues identified in the application can be appropriately managed and mitigated through robust conditions of consent.²¹⁹ These conditions include condition requirements for specific works to be undertaken in accordance with best practice, and by suitably qualified and experienced professionals.

Other comments

- 974 A number of other parties commented on regional plan related topics, such as SDC on the maintenance of ecological values of the water race along Ryans Road, Whitiara on erosion and sediment control and dust management during earthworks and CCC on storm water management and other ecological matters. However, they did not comment expressly on regional plan provisions and whether the proposal was consistent with or contrary to them.

Applicant's response to comments

- 975 The Applicant did not expressly respond to party comments on the regional plans in the Applicant's Response, but did respond in relation to regional plan related topics.

Panel findings

- 976 We note the AEE assessment and the comments by CRC that there are no fundamental remaining disagreements between CRC and the applicant in relation to regional plan matters and that the key issues identified in the application can be appropriately managed and mitigated through robust conditions of consent. We also understand that, "with respect to the regional plan consent conditions, the conditions package is now fully agreed between CRC and the Applicant" and that "CRC confirmed agreement via an email on 24 November 2025".²²⁰
- 977 We have assessed the topic comments in Part E. Where we are satisfied that the identified issues can be appropriately managed by way of the proposed conditions and/or the attributes of the proposal, we have stated this in that section. We consider that where the identified issues are appropriately addressed, this results in the proposal being consistent with the relevant regional plans. Where these are not, we have commented on this in our findings.
- 978 Making our findings in our effects assessment in Part E, we accept the assessment in the AEE and the findings of CRC in relation to the LWRP and the CARP, that the proposal is consistent with the LWRP and that the CARP can be complied with.

Christchurch District Plan

- 979 An assessment of the proposal's compliance with the District Plan is set out in Appendix 19 to the AEE. In summary, the proposal requires consent due to the following CDP rules (paragraph 129):

²¹⁹ Ibid, paragraphs 17 to 18.

²²⁰ Memorandum of Counsel for Carter Group Ltd, dated 28 November 2025, Paragraph 8.

- 6.1.5.1.5 NC1 - Noise received at the lot boundaries created in the subdivision could exceed the rural zone noise limits by more than 10dB;
- 6.3.5.3 RD1 - Lightspill at the lot boundaries created in the subdivision will exceed the rural light spill standard;
- 6.6.5.3 RD1 - The proposal involves earthworks within 5m of the bank of a network waterway;
- 6.7.4.3.3 RD2 - The area of the stormwater basins will exceed 1000m² – an area of 1,156m² is proposed and are within 0.5km of each other;²²¹
- 6.8.4.1.3 RD1 - The maximum area and height of signs attached to buildings and free standing signs will exceed the permitted standard within the Rural Urban Fringe Zone;
- 7.4.2.3 RD1 – The sight distance requirements for vehicle crossings on a 50km/had may not be achieved for some sites;
- 8.5.1.3 RD2 - The proposed formed width of Ryans Road and Greys Road is 10.5m rather than 11m and a footpath is only proposed on one side of the road, rather than both sides.
- 8.5.1.4 D1 – The lots proposed are smaller than 4ha,
- 8.9.2.3 RD1 – The maximum volume and depth of earthworks for Rural zones will be exceeded for construction and development,
- 8.9.2.5 NC1 - Earthworks to a depth of 1m within 5m of a 33kV electricity distribution line are proposed
- 17.5.1.5 NC1 - Industrial activity is not provided for within the zone as a permitted, controlled, restricted discretionary, or discretionary activity.

980 Consent is also required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NES Soil**) as a restricted discretionary activity. We assessed the NES-Soil earlier in our NES Soil section. Overall, the activity status is non-complying under the CDP (paragraph 130).

981 Appendix 32 in the AEE contains an assessment of the relevant objectives and policies in the CDP.²²² The assessment considers the following chapters:

- Strategic Directions
- Hazardous Substances and Contaminated Land
- General Rules and Procedures
 - Noise
 - Outdoor Lighting
 - Aircraft Protection
 - Signs
- Transport

²²¹ Note: changes were made to the stormwater management areas subsequent to the AEE preparation to increase the separation distance beyond 0.5km. This information was contained in the Applicant's Additional Information.

²²² Application AEE, Appendix 32, page 47.

- Subdivision, Development and Earthworks
- Industrial
- Rural

982 The AEE states in summary that:

The proposal is clearly contrary to those provisions that are specific to the District's Rural zones, including those in Chapter 17. ..., that conflict is to be expected, given that the proposal entails urban development of the nature envisaged by the Industrial General zone on land that is presently zoned for rural purposes.

That conflict aside, the proposal is assessed as being:²²³

- *Consistent with the strategic objectives in Chapter 3 which include a primary objective to:*
 - *Meet the community's needs for economic development (industrial land), without diminishing wellbeing; and*
 - *Foster investment certainty (for the applicant and those businesses seeking industrial land in this locality and market).*
- *Consistent with those objectives and policies throughout the District Plan that are concerned with the avoidance or management of effects on the environment; and*
- *Consistent with the objectives and policies in Chapter 16 for Industrial zones, including:*
 - *Objective 16.2.1 which seeks 'The recovery and economic growth of the district's industry is supported and strengthened in ...new greenfield industrial zones'.*
 - *Policy 16.2.1.1 which seeks to 'Maintain a sufficient supply of industrial zoned land to meet short, medium and long term supply needs of industrial activities, having regard to the requirements of different industries...'.²²³*
 - *Policies 16.2.1.3 and 16.2.1.4 insofar that these specify what is envisaged for the Industrial General zone.*

983 In addition, the AEE notes that urban industrial development on a Rural zoned site is not contemplated by the Plan's pattern of development (and therefore conflicts with clause (a)(iii) of Objective 3.3.7, which seeks to provide for urban activities only within the existing urban areas unless they are otherwise expressly provided for in the CRPS and on greenfield land on the periphery of Christchurch's urban area identified in accordance with the Greenfield Priority Areas in the Canterbury Regional Policy Statement Chapter 6, Map A.

Reply Comments

Christchurch City Council

984 CCC assessed the proposal and determined it required resource consent under the CDP, but noted that the non-compliances identified by the applicant in relation to 8.6.4, being number of footpaths and road widths required within Industrial zones, do not apply as the roading proposed meets the standards for rural roads classified as local, including Ryans Road, Grays Road, and all internal roads proposed in the subdivision (paragraph 19). CCC agreed that overall, the proposal was a non-complying activity.

²²³ Ibid, pages 73 and 74.

985 CCC reviewed the proposal against the provisions of the District Plan.²²⁴ CCC generally agrees with the AEE assessment for the following chapters where CCC recommended conditions are included:

- 4 Hazardous Substances and Contaminated Land
- 6 General Rules and Procedures
 - 6.1 Noise
 - 6.3 Outdoor Lighting
 - 6.8 Signs
- 7 Transport
- 8 Subdivision, Development and Earthworks
- 9 Natural and Cultural Heritage
- 10 Designations

986 CCC states that where the recommended conditions are not included in the proposal then the proposal is inconsistent with the relevant provisions.

987 CCC notes that the AEE has not assessed the natural hazards provisions, but given the lack of natural hazard overlays and internal advice, considers the proposal is consistent with these provisions.

988 CCC notes the AEE does not consider the waterbody setback provisions, however considers that, where the proposal complies with CCC's recommended conditions, the effects relating to water bodies will be appropriately managed and the proposal is consistent with these provisions. If the recommended conditions are not included in the decision, CCC considers the proposal would be inconsistent with these provisions in not enhancing the ecological corridor of the waterway.

989 CCC considers the proposal is contrary to Strategic Direction Objective 3.3.7 Urban growth, form and design as the proposal not within one of the areas identified for urban development, and is out of sequence with the pattern of development growth anticipated by the Plan, is disconnected from established infrastructure and does not currently integrate with surrounding land uses which are predominantly rural in nature.²²⁵

990 Regarding aircraft protection, CCC considers that the proposal is consistent with Policy 6.7.2.1.2 (Avoidance or mitigation of navigational or operational impediments) with the exception of birdstrike, stating that there were uncertainties in terms of stormwater management and accordingly likelihood that birds will be attracted to the site, potentially increasing the risk of bird strike and that there is insufficient information available at this time to conclude whether the proposal is consistent with this policy. CCC states that if these matters can be managed such that the possibility of birdstrike is not increased, then the proposal would be consistent with the provisions, but if the

²²⁴ CCC comments dated 19.06.25, pages 27 to 33.

²²⁵ Ibid, paragraphs 206 and 207.

proposal increased the likelihood of birdstrike that is not otherwise mitigated, then it would be contrary to the provisions.

- 991 Regarding the Chapter 16 Industrial provisions, CCC does not consider the objectives and policies seeking to enable industrial use in industrial zones are relevant to assess.

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- 992 Regarding the Chapter 17 Rural provisions, CCC agrees with the overall assessment in the AEE that the proposal is contrary to the objectives and policies for Rural zones which seek that the establishment of industrial activities not dependent or directly related to the rural resource, and the creation of lots under 4ha in area, be avoided.

- 993 CCC concludes overall that the application is contrary to the objectives and policies of the Christchurch District Plan.²²⁷

Christchurch International Airport

- 994 In his evidence for CIAL,²²⁸ Mr Kyle stated that the CDP planning instruments do not expressly anticipate the proposed activity (which is non-complying) in the Rural Urban Fringe Zone and that reliance on rules designed for different land use assumptions does not demonstrate that the potential aviation effects of this development are adequately managed, especially where those effects remain unidentified and/or unquantified (at [31]). Mr Kyle considers compliance with general plan provisions is not a proxy for a full understanding of risks arising from a non-complying activity in a sensitive, operationally complex environment and that reliance on general aviation-protection provisions in the CDP does not resolve the planning issues associated with a large-scale non-complying activity in close proximity to a major international airport (at [35]). He states the CDP provisions were not developed on the assumption that development of this scale would occur in this location and that the Rural Urban Fringe Zone provides for a very different array of land use than an industrial subdivision.

- 995 Mr Kyle also refers to CDP Policy 6.7.2.1 (safe and efficient aircraft operation) and 6.7.2.1.2 (avoidance or mitigation of navigational or operational impediments) as a prudently cautious approach given the significant impact that could accrue if safe navigation and the control of aircraft is somehow compromised and considers avoidance is the appropriate course where there remains doubt about the effect of this proposal on the cited matters.

Other comments

- 996 A number of other parties commented on district plan related topics, such as Whitiara on erosion and sediment control during earthworks and NZTA on transport matters. However, they did not comment expressly on the district plan provisions and whether the proposal was consistent with or contrary to them.

Applicant's response to comments

²²⁶ Ibid, paragraph 242.

²²⁷ Ibid, paragraph 255.

²²⁸ Statement of Evidence of John Clifford Kyle on Behalf of the Christchurch International Airport Limited (Planning), 12 March 2025.

- 997 The Applicant did not expressly respond to party comments on the CDP in the Applicant's Response, but did respond in relation to the district plan related topics such as transport and bird strike hazards.
- 998 In his 23 February 2026 supplementary evidence²²⁹ Mr Phillips commented on the compliance of the proposal with the District Plan's aviation framework, stating that the proposal is consistent and compliant with: CIAL's designation (paragraph 39(a)); the aircraft provisions under sub chapter 6.7 (paragraph 39(b)); lighting and glare standards (paragraph 39(c)); and relevant activity constraints, such as noise sensitive activities and activities exacerbating bird strike risk (paragraph 39(d)). He also states that these give effect to and are consistent with the DCPs strategic directions and the CRPS, including those provisions expressly recognising the importance of Strategic Infrastructure.
- 999 Mr Phillips states that CIAL and Airways do not identify any specific District Plan provisions that are breached, nor why the planning framework is deficient and restates that aviation safety effects are appropriately managed in a land use planning context.
- 1000 In his 18 March 2026 supplementary evidence²³⁰ Mr Phillips responds to Mr Kyle's evidence for CIAL, stating that the sub-chapter 6.7 provisions apply to all activities (including permitted, discretionary, and non-complying activities) and that Mr Kyle fails to consider the built form that could occur on the site as a permitted activity without triggering the level of expert scrutiny, bespoke assessment, or consent conditions proposed in regards to aviation safety matters at [19] and [20]].
- 1001 Mr Phillips refers to the permitted baseline and relevant planning considerations under RMA s104(1)(b) and 104(2) and provides examples in his Attachments 1 and 2 of enclosed and controlled plant growing buildings (i.e. 'greenhouses') that demonstrate that built form that could credibly establish on the site and where aviation matters would only be managed by the standards in sub-chapter 6.7 (and CAR Part 77 obligations otherwise). Phillips considers that the non-complying status of the proposal does not render the CDP framework irrelevant.

Panel findings

- 1002 We find that the relevant district plan rule breaches have been accurately identified by the Applicant, as updated by CCC in its comments in response. Consistent with our approach on the CRPS and regional plans, we have assessed the various topic comments in Part E. Where we have determined that the identified issues can be appropriately managed by way of the proposed conditions and/or the attributes of the proposal, we have stated this in that section. We consider that where the identified issues are appropriately addressed, this results in the proposal being acceptable in terms of its effects and consistent with the relevant district plan provisions. Where these are not, we have commented on this in our Part E findings.
- 1003 Based on the information provided, we generally agree with the AEE's conclusions (informed by CCC's assessment). We agree that the proposal is clearly contrary to the relevant rural provisions given the proposed industrial development on rural-zoned land. We also agree that urban development on this site is unanticipated by the district

²²⁹ Supplementary statement of evidence of Jeremy Phillips, 23 February 2026.

²³⁰ Supplementary statement of evidence of Jeremy Phillips, 18 March 2026, paragraphs 18 to 26.

plan and therefore contrary to Objective 3.3.7. As such, we agree that the proposal is a non-complying activity.

- 1004 For the remaining provisions, as set out in our effects assessment in Part E, we consider that the adverse effects can be managed through the proposed conditions or the nature of the proposal, including in relation to transport and airport related objectives and policies that provide for the continued, safe and efficient operation of the airport and aircraft (Objective 3.3.12(a) and 3.3.12(b)), Objective 7.6.2.1 and policies 6.7.2.1.2 and 6.7.2.1.3). We are satisfied that the consent conditions we have applied satisfactorily enable any residual uncertainty over effects to be identified and resolved.
- 1005 Whilst we have chosen not to apply a permitted baseline approach to this proposal (as set out in Part X), we accept Mr Phillips' evidence that the CDP would enable a range of right large farm buildings and glasshouses on the subject site where these meet the various applicable rules, such as the airport protection rules in section 6.7.
- 1006 We note Mr Kyle's assertion that the CDP provisions were not developed on the assumption that development of this scale would occur in this location, however Mr Kyle did not substantiate his statement with reference to text from the CDP or from material associated with the development of the relevant provisions, and in any case, clearly the RUF Zone permits significant built outcomes as Mr Phillips points out. However, as set out in our aircraft safety and airport operations section, we confirm that our findings and decision on the application is not dependent on determining this matter. Rather, our approach to aircraft safety effects is one of ensuring that the effects are 'acceptable' in aircraft safety terms.

Conclusion regarding consistency with the regional and district planning framework

- 1007 Given the current RUF zoning of the site, the proposed urban industrial activities are contrary to the directive urban growth provisions of both the CRPS and the CDP, which do not anticipate this activity in this location. However, as set out in our effects assessment in Part E and our assessments on the regional and district planning framework, we find that the proposal, with its conditions, is generally consistent with the more detailed topic and effects-based provisions.

- 1008 We note that while section 85(4) prevents the Panel from reaching a conclusion solely on the basis of inconsistency with the CRPS and CDP urban growth provisions, any such inconsistency remains relevant as part of the overall assessment of adverse impacts under 85(3). In this regard we consider that the inconsistency we have identified above with respect to the urban growth provisions in the CRPS and the CDP does not weigh heavily against the project as an adverse impact because, as mentioned, the proposal, inclusive of the proposed consent conditions as amended by the Panel, is generally consistent with the more detailed topic and effects-based provisions.

Treaty settlements

- 1009 As noted in Part D sections 7 and 8 FTAA state:

7 Obligation relating to Treaty settlements and recognised customary rights

- (1) *All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—*
- (a) *the obligations arising under existing Treaty settlements; and*
 - (b) *customary rights recognised under—*
 - (i) *the Marine and Coastal Area (Takutai Moana) Act 2011;*
 - (ii) *the Ngā Rohe Moana o Ngā Hānui o Ngāi Tahu Act 2019.*
- (2) *To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.*
- (3) *In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).*

8 Te Ture Whaimana

- (1) *Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers (see the legislation referred to in subsection (3)).*
- (2) *Te Ture Whaimana—*
- (a) *prevails over any inconsistent provision in a national policy statement, New Zealand coastal policy statement, or national planning standard; and*
 - (b) *in its entirety is deemed to be part of the Waikato regional policy statement; and any regional plan or district plan that affects the Waikato River or the Waipā River or activities within their catchments must give effect to Te Ture Whaimana.*
- (3) *In this section, **Te Ture Whaimana** means the vision and strategy set out in—*
- (a) *Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and*
 - (b) *Schedule 1 of the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and*
 - (c) *Schedule 1 of the Nga Wai o Maniapoto (Waipa River) Act 2012.*

- 1010 The Panel's understanding of the relevant Settlement Acts (and associated Treaty

settlement deeds) considered to be of relevance to the Application area has been discussed above in Part D of this decision report. The Panel is satisfied that the Applicant has considered the relevant Treaty settlements and iwi planning documents for the site. Further, the Panel has considered the relevant Treaty settlements in our decision making.

- 1011 As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTAA. The Minister commented in support of the decision of the Expert Panel and the conditions subject to that decision

PART I: PRINCIPAL ISSUES IN CONTENTION

- 1012 The principal issues in contention, together with cross-references to our earlier findings on these issues, are set out below:

- (a) Effects on the safety, regularity and resilience of aviation services provided by Airways to the Christchurch Airport and consequential effects on the safe, effective and efficient operation of Christchurch Airport (Findings in Part E);
- (b) Effects on air safety and operation of the GCH heliport, including the southern flight path of helicopters using the heliport, and consistency with CAR Guideline Circular AC189-8 and NASF Guideline 11 (Findings in Part E);
- (c) Adequacy of information provided by the Applicant in relation to each of the above matters and whether a precautionary approach is required (Findings in Part E);
- (d) Economic effects / benefits of the proposal (Findings in Part F);
- (e) Assessment of the proposal against the NPS-I, and infrastructure and airport related provisions of the CRPS and the District Plan (Findings in Part G and Part H);
- (f) Transport effects on Ryans Road and Grays Road and the surrounding road network including state highway intersections in the vicinity of the Site (Findings in Part E);
- (g) Visual amenity and landscape effects of the proposal (Findings in Part E);
- (h) Effects on land supply and consistency with the NPS-HPL (Findings in Part E);
- (i) Conditions of consent regarding aviation safety, aviation services provided by Airways and the southern flight path used by the GHC heliport (Findings in Part E and Part K); and
- (j) Conditions of consent regarding transport related matters (Findings in Part E).

PART J: OTHER CONSIDERATIONS

1013 The following non-statutory documents are identified as being relevant:

- (a) Mahaanui Iwi Management Plan 2013;
- (b) Canterbury Regional Land Transport Strategy; and
- (c) Greater Christchurch Spatial Plan.

1014 These documents are discussed in the sections below.

Mahaanui Iwi Management Plan 2013

1015 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.²³¹

1016 It is the Panel's understanding that the following planning document recognised by relevant iwi authorities has been lodged with the Council: Mahaanui Iwi Management Plan 2013.

1017 Appendix 32 of the AEE contains an assessment of the Mahaanui Iwi Management Plan 2013 (the **IMP**).²³² The IMP is the relevant iwi planning document that applies to this proposal. As set out in the AEE (page 118), the purpose of the IMP is to:

- Express kaitiakitanga, by effectively and proactively applying Ngāi Tahu values and policies to natural resource and environmental management; and
- Protect taonga and the relationship of tāngata whenua to these, by ensuring that the management of land and water resources achieves meaningful cultural and environmental outcomes.

1018 The AEE states (page 118) that, with regard to the IMP provisions, the site is currently zoned Rural Urban Fringe under the Christchurch District Plan and is not within any identified overlays or sites of Ngāi Tahu cultural significance (Wāhi Tapu/Wāhi Taonga; Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit; Ngā Tūranga Tūpuna; and Ngā Wai). Also, the site does not contain any natural surface water, springs or wetland features, nor are there any such features likely within 100m of the site. Furthermore, the site has been surveyed and potential native lizard habitat has been identified, although no lizards have currently been observed on site (page 119).

1019 The AEE assessed the Wai Māori (water) objectives which are concerned with 'inappropriate land use' and 'managing effects' and concluded that there is consistency with the IMP on the basis that the development is not 'inappropriate' (as demonstrated in the assessment of effects and supporting technical reports) and will be subject to conditions and mitigation measures (including sediment and erosion control) to avoid adverse effects on water quality (page 119).

²³¹ Schedule 5, clause 5(1)(h) and clause 5(2)(g).

²³² AEE Appendix 32, pages 75 to 120.

- 1020 The AEE states that the proposed discharge of water to ground (from buildings and hardstanding) will be generally consistent with the Wai Māori objectives, policies and development guidelines of the Mahaanui IMP is considered that the potential effects of the stormwater discharges on cultural values will be acceptable accounting for the attributes of the proposal and the receiving environment (page 119).
- 1021 The AEE concludes that, on the basis of the above, the proposal is considered to be generally consistent with the IMP. The AEE also includes an evaluation of the proposal in term of the Ngāi Tahu subdivision and development guidelines which guide the implementation of the IMP (contained in AEE Appendix 28).

Comments of parties

Te Ngāi Tūāhuriri Rūnanga

- 1022 In its comment (dated 9 September 2025), Whitiara (on behalf of Te Ngāi Tūāhuriri Rūnanga) confirmed that that the application site is not subject to any cultural overlays, the site does not contain values of high cultural significance that the proposed development does not involve any sensitive or complex issues and that an assessment of issues related to tikanga is not required, provided the conditions outlined in the comments are adhered to.²³³
- 1023 Whitiara also referred to Table 22: Assessment of Mana Whenua recommendations at pages 60 and 61 of the AEE and acknowledged that the matters identified in consultation between the applicant and Mahaanui Kurataiao have been addressed in the project description and conditions of consent.²³⁴
- 1024 Whitiara expects that the land development will be undertaken in accordance with best practice and that this will be enforced through conditions of consent addressing the following matters:
- best practice erosion and sediment control during earthworks;
 - best practice measures for dust management during earthworks;
 - an Accidental Discovery Protocol during earthworks;
 - implementation of any ecological management plans for lizards and fish;
 - implementation of all landscape planting as proposed in the application; and
 - implementation of best practice methods for stormwater management.

Te Taumutu Rūnanga

- 1025 Mahaanui Kurataiao Ltd (**MKT**) on behalf of Te Taumutu Rūnanga provided comments on the proposal, including in relation to the application and policies of the IMP and consent conditions. MKT note that retaining and naturalising the Ryan's Road waterway aligns with policy in the IMP and is captured by proposed consent Condition 5. In

²³³ Whitiara comments, dated 9th September 2025, page 2.

²³⁴ Ibid.

addition to the waterway, MKT advises that a key priority of tāngata whenua is the protection and restoration of native flora and fauna as expressed throughout the IMP. They advise that an erosion and sediment control plan must be in place to ensure the protection of water, soil and air from adverse earthworks effects, and that the methods of stormwater discharge should be designed to protect the land/soil used as a receiving environment, surface waters, and groundwater. MKT also refers to the Ngāi Tahu subdivision and development guidelines (found within the IMP) for low impact methods of subdivision and development.

1026 Advice is also provided on consent conditions.

Applicant's response to comments

1027 The Applicant did not expressly respond to Whitiora or MKT's comments on the IMP in the Applicant's Response. However, we note that the matters identified by Whitiora and MKT have been addressed where necessary as part of the updated proposal in response to other comments.

Findings

1028 We acknowledge Te Ngāi Tūāhuriri Rūnanga's claim that they exercise rangatiratanga and kaitiakitanga over the Site. For completeness, we note we have also considered Te Taumutu Rūnanga's comments which raised similar matters on the proposal.

1029 Based on the comments received and our assessment of effects earlier in Part E, we find that the proposal (with its suite of conditions) is consistent with the IMP.

Canterbury Regional Land Transport Strategy 2012-2042

1030 The AEE addresses the Canterbury Regional Land Transport Strategy (CRLTS) at [369 and in Appendix 32] stating that the strategy establishes the strategic direction for land transport within the Canterbury Region over a 30-year period and identifies the region's transport needs, the roles of land transport modes along with the planning, engineering, education, encouragement and enforcement methods that will be applied in the achievement of objectives. The AEE states at [370] that the proposed development accords with this strategy, insofar that the safety and efficiency of the transport network in the vicinity of the site will not be compromised by the proposal, the development site provides for accessibility by a variety of modes (including potential public transport services) and the site has good connectivity to the local and strategic transport network.

1031 In their comments CRC identified the CRLTS but did not comment on whether the Application is consistent with this strategy (page 14). No further comments were provided on the RLTS in the Applicant's Response; however comments were provided on transport matters.

1032 Our findings in relation to transport effects are set out in Part E. Based on our assessment we find that the safety and efficiency of the transport network in the vicinity of the site will not be compromised by the proposal, noting the conditions we have imposed and accordingly, the proposal is consistent with the CRLTS.

Greater Christchurch Spatial Plan

- 1033 The Greater Christchurch Spatial Plan (GCSP) is intended to help shape how Greater Christchurch grows as its population reaches more than 700,000 over the next 30 years and becomes home to possibly more than a million people in the decades that follow. The Plan guides how best to accommodate new houses and businesses in a way that enhances the environment, integrates with transport and other infrastructure provision, builds greater community resilience against risks to natural hazards, and contributes to a sustainable future for Greater Christchurch to meet the needs and aspirations of our existing communities and future generations.
- 1034 The AEE (and the Applicant's Response) did not comment on whether the proposal is consistent with the GCSP. In their comments at [290] CCC identified that the GCSP was adopted by the Council in 2024 as the Future Development Strategy (FDS) required under the NPS-UD and that neither the policy or implementation provisions of the NPS-UD require or provide for consideration of an FDS in the context of a resource consent, being a 'planning decision'. CCC consider that the GCSP is an 'other matter' that the expert panel must have regard to under RMA s104(1)(c). CCC noted at [291] that a 'New / expanded industrial area' is identified on Map 14 of the GCSP, but that footnote 2 on page 37 of the GCSP defined the term 'broad', and concluded that the identification of this area on Map 14 is indicative, with further work required to define the appropriate location and scale of development.
- 1035 We referred to the GCSP in our NPS-UD section, where we noted the Site is adjacent to the area described by CCC on Map 14. We note, however, that the Site itself is not identified for new urban-scale industrial activities, or indeed any urban activities. Accordingly, we find that the proposal is not consistent with the GCSP's broad locations of housing and business development capacity. We consider that the inconsistency we have identified does not weigh heavily against the project as an adverse impact because, the proposal, inclusive of the proposed consent conditions as amended by the Panel, appropriately addresses the adverse effects resulting from development in an area unanticipated for urban-scale development.

PART K: CONDITIONS

FTAA general requirements for conditions

- 1036 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.
- 1037 Section 83 must be complied with and provides:

83 Conditions must be no more onerous than necessary

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.

- 1038 How the Panel has complied with this section is discussed below in relation to the conditions that have been set.

FTAA requirements for conditions

Resource consent

- 1039 For a resource consent the following clauses of Schedule 5 apply:

18 Conditions on resource consent

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.*

- 1040 In relation to the resource consents granted under the RMA, sections 108, 108A and 220 provide the statutory authority for conditions on land use and subdivision consents.

Wildlife approval

- 1041 For the grant of a wildlife approval the clause 6 of Schedule 7 FTAA applies. This enables us to impose conditions necessary to manage the effects of the activity on protected wildlife. Clause 6 provides:

6 Conditions

- (1) *A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.*
- (2) *In setting any condition under subclause (1), the panel must—*
 - (a) *consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and*
 - (b) *where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and*
 - (c) *take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.*

- 1042 We record that s 82 FTAA requires us to consider whether any Treaty settlement legislation, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to the approvals sought. None of those statutory provisions are engaged in this case.

1043 Generally speaking, a resource consent condition must:²³⁵

- (a) be for a resource management purpose, not an ulterior one;
- (b) fairly and reasonably relate to the development authorised by the resource consent or designation; and
- (c) not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

1044 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.²³⁶

1045 Conditions must also be certain and enforceable.²³⁷

1046 A condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.²³⁸ Such authorisation is subject to the following:

- (a) The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.
- (b) This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA).
- (c) This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

1047 Section 220 of the RMA specifies the conditions that may be imposed on a subdivision consent.

Project conditions

1048 The Panel has determined that approval for the Application should be granted subject to the conditions in **Appendix 1** (District Council conditions of consent), **Appendix 2** (Regional Council conditions of consent) and **Appendix 3** (Wildlife Act approval conditions).

²³⁵ *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

²³⁶ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

²³⁷ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

²³⁸ *Turner v Allison* (1970) 4 NZTPA 104.

- 1049 It is recorded that the purpose of the conditions is to manage the environmental effects of the Project by setting outcomes, requirements and limits for the activity, and how those are to be achieved, while enabling the development to proceed as contemplated by the Application.²³⁹
- 1050 The Application included a comprehensive set of draft conditions that were intended to replicate the Industrial General Zone rules and District Plan General rules (e.g. noise and lighting) and produce a development that is consistent with other comparable industrial land use areas in the city. The conditions were subsequently refined through the s 53 comment process and discussions between the Applicant and the relevant regulatory authorities.
- 1051 The conditions of consent have been progressively amended by the Applicant in response to comments and matters raised by parties, primarily CCC, CRC, NZTA, CIAL and Airways. The conditions included in our draft decision dated 25 March 2026 present a significant level of agreement with CCC and CRC. Those conditions also incorporated requirements which address matters raised by CIAL and Airways, albeit in the context that those parties do not support the granting of the consent in the absence of a full aeronautical safeguarding study.
- 1052 In response to our invitation to comment under s70 FTAA, the panel received considerable additional material from the CIAL, Airways and the Applicant regarding management of aircraft safety and maintaining performance of existing airport facilities operated by Airways, CIAL including the GCH heliport.²⁴⁰
- 1053 We have based our conditions on the most recent set provided by the Applicant in its Minute 13 response, taking into account the section 70 comments on the conditions included in the panel's draft decision.
- 1054 Our acceptance of the conditions has been discussed throughout our effects assessment at Part E, as have the amendments that we have made. Those amendments generally seek to improve clarity of the outcome intended by the conditions. Additional requirements that we have made reasonably relate to potential effects of the activity, as raised by commentators. They do not create significant additional financial burden on the Applicant and do not, in our finding, materially reduce the significant regional economic benefit anticipated by the Applicant.
- 1055 We have accepted most of the changes made to conditions by the Councils and the Applicant in their s 70 comments with some exceptions. We have not accepted the Applicant's conditions relating to the Pound Road / Ryans Road intersection upgrades for the reason explained in Part E, Transportation. We have also made several changes to the land use and subdivision consent conditions regarding management of potential adverse effects of the proposal on air safety and continued operation of CNS facilities, airport operations and GCH heliport. The reasons for these changes are explained in Part E, Aircraft Safety and Airport Operations.

²³⁹ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

²⁴⁰ Material received in response to our s70 FTAA invitation is discussed at Part B, Procedure.

1056 In finalising the conditions we have:

- (a) Tested the proposed conditions against the statutory requirements of the FTAA and the RMA;
- (b) Considered the evidence and submissions received on the Application; and
- (c) Ensured that the conditions are no more onerous than necessary, consistent with s 83 FTAA.

1057 We record we have taken account of the comments from Whitiara that the Project be undertaken in accordance with best practice, enforced through conditions of consent.

1058 The conditions associated with the Wildlife Permit have been largely agreed with DOC and are otherwise consistent with comments provided by DOC. We made no modification of those conditions.

Covenants pursuant to s109 of the RMA

1059 Covenants which have to be registered on each title under the Land Transfer Act 2017 have been included in the District Council land use consent conditions. These are generally as proposed by the Applicant with some amendments to achieve greater clarity and more certainty that the requirements and obligations relating to air safety and airport operations will be imposed via covenants on future lot owners. The covenants appropriately relate to managing potential effects of the proposal on an ongoing basis.

Consent notices pursuant to s221 of the RMA

1060 Consent notices have been proposed by the Applicant to impose necessary obligations on future lot owners to comply with relevant subdivision consent obligations associated for future development, building design, location occupation. The consent notices included in the subdivision conditions are generally as proposed by the Applicant with some amendments to achieve greater clarity and more certainty that the requirements and obligations relating to air safety and airport operations will be imposed via consent notices on future lot owners. These appropriately relate to managing potential effects of the proposal on an ongoing basis.

Financial contributions

1061 The conditions do not impose financial contribution obligations. Condition 3 of the subdivision consent sets a process that could result in the consent holder reaching a shared funding agreement with CCC for the upgrade of the Ryans Road / Pound Road intersection. However, the condition does not specify that outcome.

Duration

1062 The Applicant has proposed durations for the various approvals. We are satisfied that the proposed durations are appropriate and therefore adopt the following durations:

- (a) CCC land use consent: in perpetuity;

- (b) CCC subdivision consent: in perpetuity;
- (c) CRC land use consent for earthworks: 5 years;
- (d) CRC water permit: 5 years;
- (e) CRC discharge permit (Construction Phase): 5 years;
- (f) CRC discharge permit (Operational Phase: Roads, Berms and Footpaths): 35 years;
- (g) CRC discharge permit (Operational Phase: Individual Lots: Roofs, Impervious Surfaces and Hardstand Areas): 35 years; and
- (h) Wildlife permit: 10 years

Conclusion regarding conditions

1063 Our reason for accepting or amending conditions are provided in our effects assessment and not repeated here. We confirm our findings that the conditions we impose are appropriate to meet the requirements of the FTAA and RMA and will ensure that the implementation of the consent will ensure that effects of the activity remain within the scope of the effects we have found to be acceptable.

1064 To the extent the final set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

PART L: RMA 1991

1065 As noted in Part C, Schedule 5, clause 17 sets out how the application is to be accessed under various provisions of the RMA. The substantive provisions of relevance to the Application are Part 2, and the various matters that must be considered under section 104.

1066 It is important to record that clause 17(1) gives express direction to the Panel regarding the weighting to be applied to the various matters it must take into account when considering a consent application. The greatest weight must be given to the purpose of the FTAA so that, if the Application achieves that purpose, that matter will be determinative even in the face of Panel findings as to adverse impacts (assuming they are sufficiently significant as to warrant a decline under section 85 FTAA) or inconsistent with national, regional or local policy direction. Even failure to achieve the purpose of the RMA would be insufficient, on its own, to displace the weight to be given to the purpose of the FTAA.

1067 The Applicant addressed Part 2 of the RMA in the AEE concluding (in summary) at [388]-[394] that:

- The proposal provides for the use and development of the site in a way that enables the applicant and future owners and occupiers to provide for their wellbeing, without detracting from the wellbeing of the wider community or detracting from the matters listed in s5(2)(a) – (c).

- The proposal does not offend any of the matters of national importance at section 6 RMA.
- The proposal is consistent with the other matters in section 7. Of particular relevance to the Application, the proposal:
 - Has had particular regard to kaitiakitanga and the ethic of stewardship as demonstrated through consultation with rūnanga and the corresponding assessment of cultural effects;
 - Represents an efficient use and development of (finite) natural and physical resources, namely the land resource, accounting for the assessment of economic costs and benefits;
 - Supports the maintenance and enhancement of amenity values and the quality of the environment, as demonstrated in the assessments of landscape, visual amenity and urban design effects;
 - Has had particular regard to, and managed the intrinsic values of ecosystems per the ecological assessments; and
 - Has had particular regard to the efficiency of the end use of energy, the effects of climate change and the benefits to be derived from the use and development of renewable energy, as demonstrated by the greenhouse gas emissions assessment.

Panel finding

- 1068 As a result of the conclusions reached on the effects of the proposal at Part E and in the context of the relevant planning provisions and consent conditions, the Panel finds that the Application is consistent with Part 2.

PART M: FTAA, SECTION 3

- 1069 The Panel's decision is subject to the purpose of the FTAA, contained in section 3, namely to: facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
- 1070 As noted earlier in this Decision, the Panel accepts that the Project will deliver development with sufficiently significant regional benefit. The Project will therefore meet the purpose of the FTAA.

PART N: OVERALL ASSESSMENT

- 1071 As noted in Part C, the 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.²⁴¹

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

1072 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (King Salmon)*²⁴². The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

1073 In contrast the FTAA clearly envisages an overall judgment or balancing approach to decision making. The Panel must weigh the adverse impacts against the regional or national benefits of the Project.

1074 Taking into account the principal issues of contention at Part C and our findings on adverse effects (Part E), regional benefits (Part F), the statutory documents (Part G), the regional and district planning framework (Part H) and conditions of consent (Part E and Part K), the Panel is satisfied that there are no adverse impacts of such significance as to be out of proportion to the Project's regional benefits. There is therefore no basis for the approvals sought to be declined.

PART O: FINAL DECISION

1075 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants, and various other response to requests for further information, and the subsequent refinement of the Application. We thank all those who commented and responded to requests for further information for their contributions.

1076 Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that purpose of the FTAA is achieved by this Decision. In reaching that view the Panel has had regard to the actual and potential effects on the environment of allowing the activity as set out above. The Panel has also had regard to the relevant planning documents.

1077 The Panel determines to grant the approvals sought subject to the conditions in **Appendix 1** (District Council conditions of consent), **Appendix 2** (Regional Council conditions of consent) and **Appendix 3** (Wildlife Act approval conditions).

²⁴¹ Section 82 FTAA.

²⁴² [2014] NZSC 38.

- 1078 As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).



Chris Fowler
(Chair)



Michael Parsonson
(Member)



Andrew Willis
(Member)

SUPERSEDED

APPENDIX 1: DISTRICT COUNCIL CONDITIONS OF CONSENT

SUPERSEDED

APPENDIX 2: REGIONAL COUNCIL CONDITIONS OF CONSENT

SUPERSEDED

APPENDIX 3: WILDLIFE ACT APPROVAL CONDITIONS

SUPERSEDED