
MINUTE 2 OF THE PANEL CONVENER

Convener's Conference – Directions

Ryans Road Industrial Development [FTAA-2504-1054]

(24 June 2025)

[1] The following directions were made, with the consent of the participants, at the conference of the Panel Convener held on **24 June 2025**.

[2] By:

- (a) **Friday, 27 June 2025**, the local authorities will file a memorandum proposing two nominations for appointment to the panel. Of the two nominees, only one shall be selected and appointed; and
- (b) **Friday, 18 July 2025**, the applicant having conferred with the other statutory participants, will file a memorandum reporting on consultation, identifying the issues that have been narrowed or resolved.

[3] Once in receipt of the applicant's memoranda I will decide whether to set down for another conference.

[4] The commencement date for the purpose of section 53 FTAA, will be on or after **28 July 2025**.

Background

[5] A conference was held on 24 June 2025, with the applicant, Director-General of Conservation, Christchurch City Council, Canterbury Regional Council and a representative of the Ministry for the Environment in attendance.

[6] The purpose of the conference was to inform two key decisions I must make as panel convener regarding:

- (a) the appointment of panel members (FTAA, schedule 3); and
- (b) the timing of the panel decision (FTAA, section 79).

Panel members

[7] At the end of the conference, I invited the local authorities to confer and nominate a planner as a panel member.

Early engagement

[8] After an application is lodged with the EPA, it is my expectation that the applicant will engage proactively with administering agencies, statutory participants and other persons which it has consulted. Indeed, engagement begins prior to lodgement and is ongoing as participants work to narrow issues that may arise in relation to an application.

[9] Engagement is essential so that the panel can focus on the issues that are of consequence to the determination of the application.

[10] Engagement is also essential where the issues that arise are not ones which the panel can decide.

[11] My interest in the issues at this conference is for the purpose of deciding the timeframe for a decision. I am best assisted when the issue on a given topic is

articulated as a question to be decided by the panel. This done, I am well placed to decide how much time is required for a decision to follow.

[12] The panel will reach its own view on the materiality of the issues noted; indeed, it is hoped that these will narrow as the application progresses.

Commencement date

[13] Substantive engagement is yet to occur between the participants' technical experts. While the application is relatively straightforward, there are matters of significant legal and evidential complexity. Some of these I would expect to be resolved prior to the lodgement of an application.

[14] At the applicant's request, the commencement date for the panel will be on or after 28 July 2025. There was no opposition to this request, and I think this is a prudent course of action for three reasons:

- (a) the local authorities' consideration of the project had not much advanced beyond comments given to the EPA in the completion and scope assessment;
- (b) the City Council has not agreed to accept vesting of infrastructure; and
- (c) the City Council has not identified a legal mechanism to levy development contributions.

Legal issues

[15] Two legal issues were raised by the applicant.

[16] The first and, in my view, a significant legal and planning issue concerns the National Policy Statement for Highly Productive Land. The issues are:

- (a) The land classification is LUC 2.

- (i) Raised by the applicant, what is the relevance or status of a different Land Use Capability Class in the unnotified RPS?
- (b) What is the nearest equivalent zone to the 'rural urban fringe zone' which the site is located?
 - (i) Is it general rural or rural lifestyle zone or urban zoning?
- (c) If the rural urban fringe zone is not an urban zone, is the subdivision and use of land exempt under NPS-HPL clauses 3.8-3.10?
- (d) If the exemptions do not apply, how are the 'avoid' provisions in the NPS-HPL to be approached when deciding this application under the FTAA?

[17] The drafting of the above issues is my own and the participants and panel may view the issues differently.

[18] The second issue concerns the location of the 'urban environment' for the purpose of the NPS-UD. The applicant's position is clear; they say the site is within the urban environment. I note the matter but do not understand the context that the issue is said to arise and therefore its relevance to the application.

Canterbury Regional Council

[19] Four topics of interest were noted. This list may be incomplete; the issues that arise in relation to these topics have yet to be distilled. The topics are:

- (a) conditions;
- (b) soils (generally) and highly productive land (specifically);
- (c) indigenous biodiversity; and
- (d) connectivity of a water race to other waterbodies.

[20] As to the issue in relation to highly productive land and its management under the NPS-HPL, the Regional Council is taking legal advice on whether it has an interest in applications for resource consent.

Christchurch City Council

[21] The City Council noted five topics; all of these are outstanding from the report the City Council filed with the EPA regarding the compliance and scope check. After the City Council completes its technical review of the application, further matters may arise.

[22] Of the topics noted, two concern the effects of the project. Firstly, there are different views held in relation to traffic safety and the effect of the development on the wider transport network. There has yet to be discussion about the effects and, if accepted, how these may be mitigated. Mitigation may include the upgrading of two roundabouts, in which case the Transport Agency may need to be engaged on this project. Secondly, the interface of the development into the surrounding area is a landscape matter and I was told one likely be resolved through appropriate consent conditions.

[23] Next, a topic arises in relation to the suitability of stormwater and wastewater infrastructure assets, being assets proposed to vest in the City Council. Specifically, the City Council and applicant do not agree on:

- (a) the use of a local pressure sewer or gravity sewer; and
- (b) whether the disposal is under the global regional consent for stormwater discharge.

[24] To be discussed is how the applicant will respond if:

- (a) the stormwater cannot be disposed under the global regional consent;
and
- (b) the City Council does not accept the assets to vest.

[25] Finally, issues arise in relation to out of sequence development and development contributions. While there is existing capacity within the City Council network, this capacity is for development in areas identified and provided

for by way of zoning in the Christchurch District Plan. Put another way, the Council's capital program is based on land that is appropriately zoned, which this site is not. If capacity is taken up by this development, there will likely be a shortfall in the water supply and wastewater networks for future development that is appropriately zoned.

[26] The City Council is unsure of its legal position. Can the City Council seek a development contribution? The Development Contributions Policy 2011 is not triggered by this proposal and is not provided for in its long-term plan. Secondly, can a development contribution be levied on an 'extra-over' basis i.e. for a future shortfall in capacity? Finally, assuming it can be levied, when must the development contribution be paid?

[27] I note that the applicant is to discuss with the City Council the approach taken to fund out-of-sequence development in Selwyn District.

Wildlife Approval

[28] The application does not identify the receiving site for any lizard that is salvaged. Further, it is unclear whether the applicant applied for the permit to relocate ('liberate') the salvaged lizards.¹ If it has not, the applicant will apply directly to the Director-General² for an additional approval.

[29] Work is underway by the applicant to identify suitable relocation site. A potential site in Waimakariri District has been identified. However, this will be for a new site and approval to use the site for this purpose is also required from the community board which next meets in August 2025.

[30] Counsel for the Director-General laid out a question trail for issues that will need to be addressed by the applicant in relation to a relocation site. If there is

¹ Approval to relocate salvaged species is required under s 56 (1)(ab) of the Wildlife Act 1953.

² Under the Wildlife Act 1953.

scope under the substantive application to approve a relocation site, the approval may need to be by way of certifying condition. Any certifying condition will have to be carefully drafted to ensure that it is clear as to the certifying parameters for a suitable site. On the matter of conditions and monitoring plan generally, I note that counsel wish to confer with the applicant over the same.

[31] Finally, counsel for the Director-General requests the applicant's ecologist confirm whether a Freshwater Fisheries Approval is also required.

A handwritten signature in black ink, appearing to read "Jane". The signature is written in a cursive, flowing style with a large initial "J" and a trailing flourish.

Jane Borthwick

Panel Convener for the purpose of the Fast-track Approvals Act 2024