

CHRISTCHURCH CITY COUNCIL – S30(3) NOTICE

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Ryans Road Industrial Development - Application of s 30 of the FTAA (CCC)
Date: Thursday, 20 February 2025 10:01:47 AM
Attachments: [image003.png](#)
[image004.png](#)
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[image007.png](#)
[image008.png](#)
[image009.png](#)

Hi Tallulah,

This email is in response to notice given under section 30(2) of the Fast Track Approvals Act 2024.

I have reviewed the Christchurch City Council's electronic records and can confirm there is no record of any resource consent relating to 104 Ryans Road, Harewood, to which 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply.

Regards,

Francis White

Senior Planner
Planning Team 2



+64 3 941 5109



[REDACTED]



Te Hononga Civic Offices, 53 Hereford Street, Christchurch



PO Box 73013, Christchurch 8154



ccc.govt.nz



From: Tallulah Parker [REDACTED]
Sent: Wednesday, 19 February 2025 12:14 pm
To: White, Francis [REDACTED]
Cc: Jo Appleyard [REDACTED]; Lucy Forrester [REDACTED]
[REDACTED]; Meg Davidson [REDACTED]
Subject: Ryans Road Industrial Development - Application of s 30 of the FTAA (CCC)

You don't often get email from [REDACTED] [Learn why this is important](#)
Kia ora Francis,

We act for Carter Group Limited.

Please find **attached** a letter to the Canterbury Regional Council and Christchurch City Council regarding the application of section 30 of the Fast-track Approvals Act 2024 (FTAA) for Ryans Road and giving notice in accordance with section 30(2) of the FTAA.

We understand the Christchurch City Council has essentially already advised Carter Group

that there are no existing resource consents of the kind referred to in subsection 30(3)(a) of the FTAA (email chain **attached**). However, for completeness (and in accordance with the FTAA), we would appreciate confirmation of this via email in reply to the notice.

Given that we are contemplating lodging next week, we would appreciate confirmation by this **Friday, 21 February 2024**.

TALLULAH PARKER
RŌIA MATUA (SENIOR SOLICITOR)
NGĀPUHI, TE RŪNAGNGA O TE RARAWA

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**LETTER TO CHRISTCHURCH CITY COUNCIL FROM CARTER GROUP LIMITED
PROVIDING WRITTEN NOTICE IN ACCORDANCE WITH SECTION 30**

19 February 2025

Environment Canterbury
PO Box 345
Christchurch 8140
Nardia Feehan (Principal Advisor) and Elizabeth
Hovell (Team Leader Major Projects)

From: Jo Appleyard / Tallulah Parker
Direct: +64 3 353 0022 / +64 3 353 0939
Mobile: +64 27 444 7641 / +64 21 703 767
Email: [REDACTED]

Partner: Jo Appleyard
Ref: 100505234/3458-6925-1118.1

By email: [REDACTED]

Christchurch City Council
53 Hereford Street
Christchurch Central 8013
Francis White (Senior Planner)

By email: [REDACTED]

APPLICATION OF SECTION 30 OF THE FAST-TRACK APPROVALS ACT 2024

- 1 We act for Carter Group Limited (*Carter Group*).
- 2 As the authorised person, Carter Group intends to make a substantive application under the Fast Track Approvals Act 2024 (*FTAA* or *Act*) to subdivide and develop 55.5 hectares of land at 104 Ryans Road Harewood, Christchurch, for industrial use (Ryans Road Industrial Development). The Ryans Road Industrial Development is a listed project under Schedule 2 of the Act.
- 3 The purpose of this letter is to outline how we believe section 30 of the Act should be interpreted insofar as it relates to the Ryans Road Industrial Development.
- 4 In summary:
 - 4.1 there is no existing resource consent to which sections 124C(1)(c) or 165ZI of the RMA would apply if the Ryans Road Industrial Development were to be applied for as a resource consent under the RMA;
 - 4.2 in accordance with s 30(3)(b) of the Act, ECan and CCC are required to advise Carter Group that there are no existing resource consents of that kind; and
 - 4.3 ECan and CCC are required to advise Carter Group in a timely manner in accordance with the purpose of the FTAA.
- 5 Given that we are contemplating lodging next week, we would appreciate confirmation by this **Friday, 21 February 2024**.



Fast Track Approvals Act 2024

- 6 The FTAA commenced on 23 December 2024. The purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefit.¹
- 7 The FTAA was aimed at establishing a permanent fast-track regime that would make it easier and quicker to gain approvals for development and infrastructure projects that deliver regional and national benefits.² Its provisions propose a system that combines the multiple resource consents, notices of requirements, and certificates of compliance and approvals which would have otherwise been required from the Resource Management Act 1991 (*RMA*) and several other Acts (including the Crown Minerals Act, Conservation Act, and the Fisheries Act).
- 8 The government has stated that the 'one-stop-shop' approach was intended to make it quicker and easier to get the approvals usually required for large and complex projects.³

When does section 30 of the FTAA apply?

- 9 Section 30 of the FTAA requires the identification of existing resource consents for the "same activity" prior to an authorised person (i.e. in this case Carter Group) making a substantive application for a listed or referred project seeking approval for resource consents that would typically be sought under the RMA.⁴ This section is only relevant if an authorised person does not already have resource consent for the same activity that uses some or all of the same natural resources.⁵
- 10 Under s 30(3), a consent authority⁶ that has received written notice from an authorised person, such as Carter Group, before they have made a substantive application, must advise the authorised person:

"(a) of any existing resource consent to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply if the approval were to be applied for as a resource consent under that Act; or

(b) that there are no existing resource consents of that kind."

(Emphasis ours.)

¹ Fast-track Approvals Act 2024, s 3.

² Ministry for the Environment (Fast-track Approvals Act); <https://environment.govt.nz/acts-and-regulations/acts/fast-track-approvals/>.

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

⁴ Fast-track Approvals Act 2024, s 30(1)(a).

⁵ Fast-track Approvals Act 2024, s 30.

⁶ Resource Management Act 1991, s 2; "**Consent authority** means a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under this Act".



- 11 Both s 124C(c) and s 165ZI of the RMA relate to circumstances that preserve existing use rights where there are finite resources that cannot be allocated to a new consent prior to the surrender/expiry of an existing resource consent relating to the same limited resource:
- 11.1 Section 124C(c) of the RMA relates to consents which, if granted as a result of an application, could not be fully exercised until the expiry of an existing resource consent to undertake an activity under sections 12, 13, 14 and 15 using a natural resource.⁷
- 11.2 Similarly, s 165ZI of the RMA applies to an application for a coastal permit to occupy space in the common marine and coastal area for aquaculture activities if the application relates to a space that is subject to an existing coastal permit.⁸
- 12 The basis of these provisions under the RMA is to give priority to those parties who currently hold an existing resource consent for a particular activity and allow for the renewal of those activities under the RMA without being undermined by a later-in-time application for a new resource consent.

Background and purpose to section 30 of the FTAA

- 13 Section 30 was introduced with a number of other sections through an amendment paper following the third reading of the Fast-track Approvals Bill⁹ and proposed through consideration of a committee of the whole house (*Amendment Paper*).¹⁰ The Amendment Paper states that the introduced section relates to:

"providing for holders of existing resource consents to be notified before a substantive application is lodged"

- 14 A number of other sections were introduced with s 30 of the FTAA, including:
- 14.1 providing for prioritisation of projects (*s 38 and s 50 of the FTAA*)
- 14.2 enabling Ministerial determination about the ineligibility of certain activities under sections 23 and 24 to be made for listed projects and, in the case of referred projects, after the referral decision (*s 39 of the FTAA*).
- 14.3 preventing the progression of a substantive application until any competing applications are determined and any overlaps with existing resource consents are resolved (*s 47 of the FTAA*).
- 15 In conjunction with the Amendment Paper, the Ministry for the Environment and the Ministry of Business, Innovation and Employment produced the supplementary analysis report dated 11 December 2024 (*Analysis Report*). The Analysis Report

⁷ Resource Management Act 1991, s 124B and 124C.

⁸ Resource Management Act 1991, s 165ZI and s 165ZH.

⁹ Fast-track Approvals Bill (31-3).

¹⁰ House of Representatives, Amendment Paper (31-2/AP No 238).



identifies that the amendments are meant to address issues of priority and certainty of allocation rights, which are very important to applicants and holders of existing approvals (which the FTAA Bill was largely quiet or unclear on).

16 On this, the Analysis Report states:¹¹

"The fast-track system is likely to lead to competing applications for the same limited resources and incompatible applications for overlapping space. Limited resources such as freshwater, coastal space, conservation land, minerals and geothermal resources may be subject to a range of proposed competing applications. These uses may include irrigation, aquaculture, critical infrastructure, mining, renewable energy production, and tourism.

Applications made under the fast-track regime may also compete with earlier applications made under the 'parent' legislation (e.g., the RMA, the CMA, and the Conservation Act 1987). Applications may also be made for activities that, if approved, could negatively impact the access to resources authorised by existing holders of rights allocated under 'parent' legislation.

The existing 'parent' legislation currently manages the prioritisation of applications for competing activities in various ways. For RMA applications, subject to specific limitations, a 'first in, first-served' approach applies as a default, with the first to file a complete application taking priority. An application with priority will be processed first and assessed as if the other applications do not exist.

....

the FTA Bill allows applications for approvals not previously able to be applied for such as prohibited activities, land exchanges for various categories of conservation land, and approvals inconsistent with water conservation orders. Existing frameworks, such as water allocation in regional plans, or rules relating to marine farms, are considerations in the FTA Bill but do not carry as much weight compared to its purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefits."

- 17 The Analysis Report addresses the issues of priority and the allocation of limited resources. The Analysis Report proposes to address these concerns by reflecting existing frameworks: with applications needing to comply with existing allocation rules and limits as much as is feasible to achieve.¹²
- 18 The purpose of section 30 of the FTAA is to extend the same priority principles afforded under the RMA to existing consent holders. This preserves the priority for existing resource consents as much as feasible to achieve under the FTAA while still providing a one-stop shop to facilitate the quick delivery of infrastructure and development projects with significant regional or national benefit.
- 19 Where parties are not competing for the same limited resource, existing resource consents of the kind referred to in section 30(3)(a) will not be identified, and competing applications will not exist.

¹¹ Ministry for the Environment; Annex to Supplementary Analysis Report – Fast track Approvals Bill Amendment Paper relating to policy and workability changes (6 September 2024) at [52] – [53].

¹² Ministry for the Environment; Annex to Supplementary Analysis Report – Fast track Approvals Bill Amendment Paper relating to policy and workability changes (6 September 2024) at [51] – [110].



Application of section 30 to Ryans Road Development

- 20 In accordance with s 30 of the Act, Carter Group (as an authorised person) has, by this letter, notified the Christchurch City Council (CCC) and Canterbury Regional Council (ECan) before lodging its substantive application for the Ryans Road Industrial Development under the FTAA.
- 21 There is no existing resource consent to which section 124C(1)(c) or 165ZI of the RMA would apply if the Ryans Road Industrial Development were to be applied for as a resource consent under the RMA. In regard to this statement, we note the following in relation to the substantive application for the Ryans Road Industrial Development:
- 21.1 The Ryans Road Industrial Development is primarily a land use resource consent for the development of the land for industrial use. Carter Group has signed a contract to purchase the property from the registered landowner(s), conditional on the applicant obtaining the necessary approvals for the project. Carter Group does not see any other barriers to the transfer of the title and has every intention of completing the purchase once the relevant approvals are obtained.
 - 21.2 There is no existing wastewater connection for this property. Any existing houses within this area are currently serviced via a septic tank. New development lots will be serviced via a new low-pressure sewer (LPS) reticulation network. The LPS network will discharge to the existing CCC wastewater manhole (WWMH ID24959) on Russley Road. The LPS will be vested in CCC as public infrastructure. Each individual lot will install a wastewater pump station storage tank/Manhole and grinder pump(s), which will be connected to the new LPS reticulation network at the lot boundary.
 - 21.3 There is ample capacity in the wastewater network downstream of the proposed connection point to receive the estimated maximum flow of 7 L/s from the proposed Ryans Road Industrial Development.
 - 21.4 The Ryans Road Industrial Development can be serviced for water supply via a connection to the North West water supply zone. A booster station on Ryans Rd at the entrance to the development will be required in order to meet minimum operational pressures across the whole Ryans Road Industrial Development, which Carter Group is proposing to build and install.
 - 21.5 The Ryans Road Industrial Development will manage stormwater to ensure that the adverse effects of the development of flooding are less than minor and that the stormwater discharge quality meets discharge limits. The stormwater management for the Site has been designed so that the post-development flows for the site are equivalent to or lower than the pre-development flows. A global stormwater discharge consent is also sought from ECan as part of this application.
- 22 In accordance with s 30(3)(b) of the Act, Carter Group seeks that ECan and the CCC advise Carter Group that there are no existing resource consents of the kind



described in s 30(3)(a) by **Friday, 21 February 2024** given the requirement to provide that advice in a “timely manner” in accordance with the purpose of the FTAA.

Yours sincerely,

Jo Appleyard / Tallulah Parker
Partner / Senior Solicitor