

Before the Expert Panel

**FTAA-2504-1054**

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Under **Fast-track Approvals Act 2024**

In the matter of an application for approvals in relation to the Ryans Road Industrial Development

By **Carter Group Limited**  
Applicant

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**Joint memorandum of Nick Fuller (transport) and Clare Dale/Jeremy Phillips (planning)**

2 April 2026

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**Joint memorandum of Nick Fuller (transport) and Clare Dale/Jeremy Phillips (planning)**

- 1 This memorandum is jointly provided on behalf of the Applicant by:
  - (a) Nick Fuller (transport);
  - (b) Clare Dale (planning); and
  - (c) Jeremy Phillips (planning).
- 2 We each provided evidence and assessments within our respective areas of expertise on the Ryans Road Industrial Development (**Project**).
- 3 Given that the specified parties have also been invited to comment on the draft conditions within the same timeframe as the Applicant, we consider it most efficient and proportionate, for the Panel's purposes, for this initial response to be tightly focused.
- 4 This memorandum focuses specifically on our concerns with the proposed staging conditions (in particular, subdivision condition 3) and is intended only to signal our key concerns with that condition. It should be read together with the responses to the Panel's comments on the draft Christchurch City Council (**CCC**) and Canterbury Regional Council (**CRC**) conditions, including conditions beyond those relating to staging.

**Staging condition – traffic modelling / intersection upgrade**

- 5 For the reasons set out under the headings below, we do not consider that the proposed staging condition (Subdivision Condition 3) is necessary, nor is it appropriately supported by expert evidence.

*Adequacy and currency of traffic modelling*

- 6 Council's proposed staging condition appears to be founded on concerns that are either already addressed through the existing assessment or rely on speculative assumptions rather than established evidence. The traffic modelling underpinning the application adopts CCC's own accepted 2038 growth forecasts, applies additional growth within known industrial catchments, and incorporates robust assumptions for traffic generation associated with the proposed development. CCC has acknowledged that this modelling represents the most up-to-date and appropriate version available at the time of lodgement, and it remains so at the time of assessment.

- 7 In these circumstances, requiring modelling to be “updated” when no newer or alternative baseline model exists is inappropriate. Any such update would necessarily incorporate background growth unrelated to the proposal, thereby moving the assessment beyond the relevant “existing environment” for the purposes of consent determination, contrary to the principles articulated in *Queenstown Lakes District Council v Hawthorn Estate Ltd* and in paragraph 155 of the panel’s draft decision.<sup>1</sup> In particular, as currently framed, subdivision condition 3 would risk capturing speculative or unconfirmed development assumptions that are not reasonably foreseeable and that are not attributable to this proposal.
- 8 Established transport assessment practice requires effects to be assessed using the best available information at the time of decision making, rather than imposing open ended obligations to revisit modelling in response to future uncertainties. That standard has been met in this case through the comprehensive modelling and assessments provided in support of the Project.
- 9 Accordingly, it is our opinion, based on the Applicant’s technical assessment, that the proposed staging condition is not necessary to address any identified adverse effects and cannot be justified on either an evidential or methodological basis.

#### *Modelling outcomes and intersection performance*

- 10 In addition to the modelling relied on in the Integrated Transport Assessment that accompanied the Substantive Application, Mr Fuller has undertaken additional analysis confirming that, even at full development (i.e. release of 100% of the lots), the average right turn queue from Pound Road into Ryans Road remains within the available stacking length provided by the existing widening.<sup>2</sup> There is no evidence from either the Applicant’s traffic engineering experts or CCC that the proposal would give rise to significant adverse safety or efficiency effects at the Pound Road / Ryans Road intersection justifying the proposed condition. Nor is there any evidence establishing that a release of 50 % of the lots represents an appropriate, meaningful, or effects-based trigger point, if a trigger were to be imposed at all.

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<sup>1</sup> *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

<sup>2</sup> [Statement of evidence of Nick Fuller](#) dated 19 November 2025 at [19]-[24] and Appendix 1; and [Supplementary statement of Nick Fuller](#) dated 19 February 2026.

- 11 The proposed trigger, requiring further modelling to CCC's "satisfaction" that queue lengths do not exceed available stacking for a modelled period, also introduces an unnecessarily uncertain and subjective control that is not supported by evidence. The condition lacks clear, objective performance criteria against which compliance could be assessed and would render progression of the subdivision contingent on discretionary judgment rather than identifiable effects thresholds.
- 12 For these reasons, we consider the proposed condition to be inappropriate.

*Practicality and workability of the proposed condition*

- 13 The proposed condition is also impractical in its operation. Requiring ongoing or repeat traffic surveys and model updates creates a real risk that future results would be materially influenced by traffic generated by unrelated third-party developments, or by unconfirmed transport initiatives (including potential NZTA objectives for Pound Road as a SH1 bypass). This would expose later stages of the subdivision to factors wholly unrelated to the effects of the proposal itself.
- 14 As a result, the condition could lead to the indefinite delay of later stages of the subdivision, notwithstanding that the traffic effects attributable to this proposal remain unchanged and acceptable. Such an outcome would be neither fair nor reasonable, would not be justified under established principles relating to condition setting under the RMA, and would undermine the certainty and efficiency that the Fast-track Approvals Act 2024 (**FTAA**) is intended to provide.

*Intersection upgrade requirement*

- 15 Similarly, the alternative requirement that Stage 3 not proceed until the Pound Road / Ryans Road intersection is upgraded is neither necessary nor proportionate to the effects of the Project. The evidence does not demonstrate that such an upgrade is required to mitigate any adverse effects attributable to the Project. While Mr Fuller accepted in his evidence that the intersection "can" be upgraded, based on traffic modelling, his evidence was clear that such an upgrade is not required for the Project to proceed. On the contrary, Mr Fuller's evidence confirms that the traffic effects at the Pound Road / Ryans Road intersection are **acceptable and no more than minor**, both with and without an intersection upgrade. In those circumstances, there is no need to impose a condition that would require the intersection to be upgraded before any particular stage, or percentage, of the development can be undertaken.

- 16 Any such upgrade would, in any event, require the acquisition of third-party land over which the Applicant has no control. This creates a real and material risk that the upgrade could be undeliverable, with the consequence that the consent would be effectively sterilised despite the absence of any unresolved traffic effects arising from the proposal itself.
- 17 Further, the design of any intersection upgrade would itself be dependent on traffic modelling assumptions, giving rise to the same concerns identified above in relation to uncertainty, relevance, and inappropriate attribution of broader network effects to this Project.
- 18 In these circumstances, the proposed consent condition is more onerous than reasonably necessary to address the actual effects of the development, lacks a sufficient evidential and causal nexus to the proposal, and fails to meet established principles governing the imposition of consent conditions under the RMA and FTAA.

### *Conclusion*

- 19 For these reasons, we consider that:
  - (a) the traffic effects of the proposal have been robustly assessed using conservative assumptions and appropriate forecast horizons;
  - (b) there is no evidential basis for requiring updated modelling or ongoing traffic surveys as a staging trigger;
  - (c) the proposed condition would be uncertain, impractical, and disproportionate to the identified effects; and
  - (d) sufficient evidence exists to demonstrate that the subdivision can proceed without staging constraints tied to future modelling or intersection upgrades.
- 20 Therefore, we consider that proposed subdivision condition 3:
  - (a) would be contrary to the well-established principles for setting conditions under the RMA;
  - (b) are not necessary or appropriate to "*facilitate the delivery of*" the project per s3 of the FTAA; and
  - (c) is '*more onerous than necessary to address the reason for which it is set...*' and is therefore contrary to section 83 of the FTAA.

- 21 Accordingly, we consider that the draft staging condition proposed as subdivision condition 3 should be deleted and the original Applicant condition reinstated.
- 22 We have been instructed by the Applicant to review any comments provided by CCC, NZTA and other specified parties in relation to proposed subdivision condition 3 and, if appropriate, we (individually or together) will provide a further technical response addressing those matters.

Dated this 2<sup>nd</sup> day of April 2026



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Nick Fuller



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Clare Dale



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Jeremy Phillips