

**BEFORE THE POUND ROAD INDUSTRIAL DEVELOPMENT [FTAA-2505-1057]
EXPERT PANEL**

In the matter of of the Fast-Track Approvals Act 2024

And approvals sought under the Resource Management Act 1991 and the Wildlife Act 1953

Expert Panel Chris Thomsen
(*Chair*)
Ken Gimblett
(*Member*)
Roger Seyb
(*Member*)

Comments received under Section 53 of the FTAA: 4 November 2025

Details of any hearing under Section 57 of the FTAA: No hearing held

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

Dated 1 May 2026

Decision 1: RMA Approvals granted subject to conditions
Decision 2: Wildlife Approval granted subject to conditions

Date of Decision: 1 May 2026
Date of Issue: 1 May 2026

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GLOSSARY

The following abbreviations and defined terms are used throughout this decision.

AEE

Assessment of Effects on the Environment prepared in support of the Application.

Act or FTAA

Fast-track Approvals Act 2024.

Amendment Act

Fast-track Approvals Amendment Act 2025.

Applicant

NTP Development Holdings Limited.

Application

The substantive application lodged under the FTAA seeking approvals for the Pound Road Industrial Development Project.

BMP

Bird Management Plan prepared for the Project.

CCC

Christchurch City Council.

CRC

Canterbury Regional Council (Environment Canterbury).

CRPS

Canterbury Regional Policy Statement.

CTMP

Construction Traffic Management Plan

District Plan

The operative Christchurch District Plan.

DoC

Department of Conservation on behalf of the Director-General of Conservation.

DSI

Detailed Site Investigation undertaken in relation to contaminated land on the Site.

EIA

Economic Impact Assessment prepared in support of the Application.

ESCP

Erosion and Sediment Control Plan prepared for construction works associated with the Project.

FMP

Fish Management Plan prepared for works affecting the Paparua Water Race Network.

GCSP

Greater Christchurch Spatial Plan.

IGZ

Industrial General Zone under the Christchurch District Plan.

IMP

Mahaanui Iwi Management Plan 2013.

IDS

Christchurch Infrastructure Design Standards.

ITA

Integrated Transport Assessment prepared in support of the Application.

Intersections

The Pound Road / Waterloo Road intersection and the Pound Road / State Highway 1 intersection.

Intersection Upgrades or Upgrades

The proposed upgrades to the Pound Road / Waterloo Road intersection and the Pound Road / State Highway 1 intersection associated with the Project as shown on Figure 4.

LCSIA

Level Crossing Safety Impact Assessment.

LMP

Lizard Management Plan prepared for the salvage, relocation and monitoring of lizards affected by the Project.

LUC

Land Use Capability classification system used to assess the productive capacity of land.

LWRP

Canterbury Land and Water Regional Plan.

NES-CS

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

NPS-FM

National Policy Statement for Freshwater Management 2020.

NPS-HPL

National Policy Statement for Highly Productive Land 2022.

NPS-IB

National Policy Statement for Indigenous Biodiversity 2023.

NPS-I

National Policy Statement for Infrastructure 2020.

NPS-NH

National Policy Statement for Natural Hazards 2025.

NPS-UD

National Policy Statement on Urban Development 2020.

NZTA

New Zealand Transport Agency Waka Kotahi.

Panel

The Expert Consenting Panel appointed under the FTAA to determine the Application.

Project or Proposal

The Pound Road Industrial Development Project.

PWRN

Paparua Water Race Network.

RAP

Remediation Action Plan prepared to address contaminated land on the Site.

RLTS

Canterbury Regional Land Transport Strategy.

RMA

Resource Management Act 1991.

RMA Approvals

The resource consents sought under the Resource Management Act 1991 as part of the Application.

RUF

Rural Urban Fringe Zone under the Christchurch District Plan.

SDC

Selwyn District Council.

SMA

Stormwater Management Area.

SUP

Shared Use Path for pedestrians and cyclists.

Site

The land subject to the Application located at Pound Road, Barthers Road, Hasketts Road and Waterloo Road, Templeton, Christchurch.

TBPS

Templeton Booster Pump Station, being the Christchurch City Council potable water booster pump station located in Templeton that supplies the surrounding water network.

TMP

Traffic Management Plan prepared for the Project.

Transport Agencies

Christchurch City Council and the New Zealand Transport Agency Waka Kotahi.

Wildlife Approval

The approval required under the Wildlife Act 1953 for the salvage, relocation and management of protected lizards associated with the Project.

DECISION MADE BY THE PANEL: POUND ROAD INDUSTRIAL DEVELOPMENT

PART A: EXECUTIVE SUMMARY

- 1 This is an application by NTP Development Holdings Limited (**Applicant**) under the Fast-track Approvals Act 2024 (**FTAA** or **Act**) to develop 60.4 hectares on Pound Road in an area known as Islington/Hornby South, Christchurch (**Project** or **Proposal**). The Proposal is for an industrial development targeting logistics, warehousing and light manufacturing.
- 2 The location of the Project is 173 and 111 Pound Road, 570 and 578 Waterloo Road, 2, 38, 64, 86 and 94 Barbers Road and 4, 22, 30, 40 and 48 Hasketts Road, Christchurch (**Site**).¹
- 3 NTP Development Holdings describes itself as a long-term investor that seeks commercial, cultural and community returns, noting its pursuit of inter-generational aspirations. Its authorised person statement describes residential and industrial developments in the Greater Christchurch area it has completed. We are told the Applicant is ready to begin the development immediately should it receive the necessary approvals.
- 4 The application seeks resource consents under the Resource Management Act 1991 (**RMA Approvals**) to subdivide the land to create 74 allotments, together with associated roads, infrastructure and landscaping, and for a wildlife approval under the Wildlife Act 1953 (**Wildlife Approval**) to trap, salvage and relocate southern grass skink (collectively, the **Application**).
- 5 A feature of the Application is its characterisation as effectively applying an industrial zoning framework, meaning it is “tantamount to a de facto plan change” to urbanise rural land. In practice, this means the proposed conditions replicate the Industrial General Zone rules and District Plan General rules (e.g. noise and lighting) for current and future land uses. This is intended to result in a development that is consistent with other comparable industrial land use areas in the city.

¹ See certificates of title listed in the ‘Site Particulars’ section of the Applicant’s Assessment of Effects on the Environment (**AEE**), at pg. 2.

- 6 The Application was included as a listed project in Schedule 2 of the Act. On 16 September 2025, we (Expert Panel) were appointed to determine the Application.
- 7 We have assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA². We have had regard to the procedural principles underpinning the FTAA, including the requirements for expeditious but robust decision making. After doing so we have decided to grant the Approvals sought subject to the conditions appended to this decision.
- 8 We received comments from those invited to comment³ up until 4 November 2025. Late comments were received from two parties.
- 9 We issued our draft decision and conditions on 17 March 2026 and received comments on the draft conditions from a range of parties by 31 March 2026, along with a response by the Applicant on 15 April 2026. We thank the parties for their contributions and have carefully reviewed all comments, supporting evidence and submissions.
- 10 We are required to make a separate decision in respect of each of the two types of approvals sought.⁴
- 11 In terms of the relevant criteria for assessment, the relevant statutory tests for the RMA Approvals are set out in Schedule 5, cl 17 FTAA. In that regard, we find as follows:
- (a) The Project promotes the purpose of the FTAA and we have placed the greatest weight on this purpose;
 - (b) The Project achieves the purpose of the RMA, as set out in Part 2 of that Act (excluding s 8);
 - (c) The Project will not, after imposition of conditions, have any residual adverse effects that are unacceptable or that will result in material harm;
 - (d) The Project is generally consistent with, and otherwise not contrary to, the relevant national, regional and district planning instruments. Where it is

² Legislation Act 2019, s 10; and FTAA, ss 3 and 10.

³ FTAA, s 53.

⁴ FTAA, s 87(1).

not consistent with those instruments any inconsistency is insufficient to justify refusing the approvals and, regardless, s 85(4) would prohibit us from doing so in some cases; and

- (e) The conditions imposed comply with (amongst other things) s 83 and, where relevant, are imposed in accordance with s 84A.

- 12 The Application was accompanied by a comprehensive assessment of effects, or impacts. Most of those effects are non-contentious in the sense no party put the Applicant's analysis at issue in their comments. We have nonetheless assessed those effects, as we are required to do by the Act, and described our findings in the decision. We have considered whether conditions would avoid, remedy or mitigate any adverse effects.
- 13 Matters in contention that required determination of differences between the parties included the applicability of the NPS-HPL, the effects on the local traffic environment and landscape and visual amenity impacts. In accordance with s 87 we have recorded and analysed these as the principal issues in contention.
- 14 Another matter in contention was whether the Project would deliver infrastructure and development with significant regional benefit. There was some expert disagreement on the quantification of any benefits, but the criticisms of the Applicant's approach focused on methodological errors and differences that did not change the parties' shared view that there were significant regional benefits (albeit with some reservations about the ability to assess proportionality under s 85 without a cost-benefit analysis). We have ultimately accepted that the Islington/Hornby South area is an area where certain types of logistics, warehousing and industrial businesses may prefer to locate and that the increase in supply there can contribute to the regional supply of industrial land in a way that is significant in terms of direct and indirect economic value added.
- 15 A major matter of contention was the impact of the Proposal on the intersections at Pound Road / Waterloo Road and Pound Road / State Highway 1, including the railway level crossing. Once the effects of the Proposal on those intersections and the wider Christchurch area were identified, we sought submissions on the imposition of conditions under the FTAA, particularly, a condition precedent preventing the Project from proceeding past the end of Stage 3 until the intersections were upgraded. The required upgrade concept was agreed between the parties, but difficulties exist around

the funding and timing of those upgrades as there are wider (network) issues that may require mitigation but have not been programmed. Compounding this challenge, while the Applicant went on record confirming it was prepared to make a proportionate contribution to the cost of the upgrades, we were advised by NZTA that it could not accept and hold funds in lieu of programmed works and CCC did not offer any solutions to this either.

- 16 We were assisted by evidence from the Applicant that monetised the economic disbenefits if upgrades to the Intersections did not happen and confirmed that the viability of the Project would be threatened if it did not have certainty of it proceeding to an unidentified point in Stage 3. We determined it is appropriate to impose the condition precedent after carefully considering the impact of the proposal on the operation of the transportation network and conditions' impact on the viability of the Proposal. The latter is important because we accepted the evidence showed that the Proposal may not proceed if it did not get past a point in Stage 3. It is axiomatic that if the development did not proceed, the benefits would not be realised and purpose of the FTAA to facilitate projects with those benefits would not be achieved.
- 17 Our decision to impose a condition precedent linked to the progression of the Project past Stage 3 is directed toward ensuring that these transport effects are appropriately managed so that where the effects are not mitigated immediately, they are limited in time and scale. That approach also reflects our view that the condition adopted represents the least onerous condition necessary to manage the effects and identified risk of those effects not being mitigated.
- 18 As stated above, we have also imposed other conditions. Overall, 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. A set of draft conditions received with the application were refined through the process and, with the notable exception of the condition precedent, were substantively or completely agreed between the regulatory bodies (CCC, CRC and DoC) and the Applicant.
- 19 The relevant statutory tests for a Wildlife Approval are set out in cl 5 Schedule 7 FTAA. In that respect, we find as follows:

- (a) The Project promotes the purpose of the FTAA;

- (b) The Project will not, after imposition of conditions, result in material harm to absolutely protected wildlife (southern grass skink), and accordingly the Project will achieve the purpose of the Wildlife Act 1953 as set out in s 3 of that Act;
- (c) There are no other relevant information or requirements relevant to our assessment of the Wildlife Approval under cl 5(c) Schedule 7 FTAA; and
- (d) The conditions imposed comply with cl 6 Schedule 7 and with s 83 FTAA.

20 We have determined that the Wildlife Approval should also be granted, subject to conditions. This determination is made having regard to the criteria prescribed for such approval. In accordance with the statutory direction in the FTAA, we have placed the greatest weight on the purpose of that Act.

21 As required by the FTAA we are alert to the limited circumstances in s 85 where we can decline the approvals sought. Materially for this matter, we may only decline an approval if the adverse impacts are sufficiently significant to be out of proportion to a project's regional benefits. We determine this by adopting an overall evaluative judgment that weighs the adverse impacts of the Project against its (here) regional benefits, taking into account the effect of conditions and other mitigation measures. Most of the anticipated adverse impacts, including those addressed through conditions, are not of a scale or significance that requires further consideration under s 85. The main exception was the risk the Intersections may not be upgraded before their performance substantially degraded. While we do not underestimate the potential safety implications associated with that degradation, the benefits and costs that were quantified in monetary terms are, relatively speaking, modest. Thus, we do not consider any disbenefits to be "out of proportion" to the Project's regional benefits within the meaning of s 85(3)(b).

22 These decisions are made in accordance with s 87 FTAA. This decision document therefore includes:

- (a) The decisions – throughout and summarised in Part L and O;
- (b) The reasons– throughout and summarised in Parts E – J;

- (c) A statement of the principal issues in contention and our findings on those issues – summarised in Part E; and
- (d) The conditions of the RMA Approvals and Wildlife Approval, including the date on which the RMA Approvals lapse – Part K, and Appendices A - C.

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

- 23 Ngāi Tahu Property Development Holdings (registered as NTP Development Holdings Limited) is the authorised person under s 42 listed in Schedule 2 for the Project.

Site and surrounding environment

- 24 The Applicant's Assessment of Effects on the Environment (**AEE**) contains a description of the Site, its characteristics, and immediate surroundings, which we summarise below.
- 25 The Site is located on the south-western rural-urban fringe of Christchurch City, within the suburb of Templeton. It comprises approximately 60.4 ha of land held in 14 parcels⁵ on land bounded by Barters, Hasketts and Pound Roads to the west, northwest and east, and bounded by the Templeton Golf Course to the northeast.⁶



Figure 1: Locality Plan⁷

⁵ Legally described as: Lot 3 DP 33334; Lot 2 DP 33334; Lot 10 DP 23834; Lot 2 DP 23834; Lot 1 DP 33334; Lot 2 DP 20738; Lot 1 DP 20738; Lot 2 DP 38418; Lot 7 DP 23834; Lot 6 DP 23834; Lot 2 DP 24156; Lot 1 DP 24156; Lot 1 DP 23834; and Lot 1 DP 38418.

⁶ Schedule 2 of the FTAA lists the location of the Project as 61.4 hectares northwest of Pound Road, east of Barters Road, Christchurch.

⁷ AEE, Figure 1: Aerial image of locality (Source: Canterbury maps), pg. 3.

- 26 The Site is currently zoned Rural Urban Fringe (**RUF**) under the operative Christchurch District Plan (**District Plan**).⁸ Given the Project is a 74-lot industrial subdivision, the Application proposes that future land use and development on the subdivided lots be governed, via consent conditions, by the Industrial General Zone (**IGZ**) provisions of the District Plan (including the relevant general rules). The Applicant describes this approach as effectively applying an industrial zoning framework to the Site and the Application as “tantamount to a de facto plan change”. On that basis, the Applicant’s planning assessment also considers policies that legally apply to plan changes on the basis that to ignore those policies because the Proposal is not a plan change would be “artificial”.⁹ While not a rezoning application, the Application responds to the Applicant’s assessment that the District Plan does not currently provide sufficient development capacity to meet expected demand for business land over the short, medium and long term (NPS-UD, Policy 2).¹⁰ In these circumstances, and having regard to the way the Application has been framed and assessed, we consider it appropriate to place weight on the IGZ objectives, policies and standards as an appropriate benchmark for evaluating the suitability and effects of the proposed industrial development, alongside the existing RUF zoning context.
- 27 The Site is generally flat with a gentle slope from north to south and is currently occupied by rural-residential activity, with some light pastoral grazing. It contains established shelter belts, residential dwellings, and ancillary buildings. Current land uses include onion cultivation at 173 Pound Road and deer grazing at 111 Pound Road.
- 28 In terms of the surrounding environment, the locality has a mixed character, incorporating rural-residential dwellings, agricultural land, transport corridors, and established industrial activities, as follows:
- (a) Surrounding land uses on the opposite side of Barters and Hasketts Roads are generally rural and most contain a dwelling;¹¹

⁸ The Site is subject to the following overlays and map notations: Ruapuna Inner and Outer Noise Boundaries; Christchurch International Airport Protection Surfaces; 50 and 55dB Ldn Air Noise Contour; Network Waterway (Barters Road); Minor Arterial Road (Pound Road), and Local Road (Barters and Hasketts Roads).

⁹ AEE, paragraph [316].

¹⁰ AEE, Appendix 16 – Economic Assessment, June 2025, paragraph [1.3.1], bullet 3.

¹¹ Section 53 Comments by CCC, 19 June 2025, paragraph [9].

- (b) A site at the corner of Barters / Maddisons Roads is partly occupied by a contractor's yard and also contains a dwelling;
 - (c) 14 Hasketts Road is surrounded by the Site and is undeveloped. Christchurch City Council (**CCC**) has granted a land use consent to build a Hindu temple on this property;
 - (d) The Site adjoins the Waterloo Business Park to the east, an area zoned IGZ;
 - (e) The Site lies immediately south of the Templeton Country Club Golf Course which is zoned Open Space Community Parks and identified as a Site of Ecological Significance, although in practice it is highly modified by its current use as a golf course;
 - (f) To the north-west, across Hasketts Road, is Ruapuna Park Speedway, which is zoned Specific Purpose 'Ruapuna Motorsport' Zone, providing for motorsport activities;
 - (g) The Site is approximately 5 km south-west of Christchurch International Airport;
 - (h) Around 2.5 km to the north west is Christchurch Men's Prison; and
 - (i) At its closest point the Site is around 1 km from the boundary between the CCC and Selwyn District Council (**SDC**) boundary.
- 29 The surrounding transport environment provides good strategic connectivity but is constrained by rural-standard road sections and limited intersection capacity. The Site is bounded by Pound, Barters, Waterloo, and Hasketts Roads, which link to the wider Christchurch network via State Highways 1 and 73. Pound and Waterloo Roads carry moderate to high traffic volumes (10,000–12,500 vehicles per day) and serve heavy industrial traffic, while Barters and Hasketts Roads are narrower rural roads with lower volumes (1,200–3,200 vehicles per day) and limited pedestrian or cycling facilities.
- 30 The network is constrained by existing congestion and safety issues at the SH1/Pound Road and Pound/Waterloo Road intersections (**Intersections**), where queueing across the rail corridor currently occurs. These Intersections are identified as requiring capacity

and safety upgrades by around 2030/2031 and 2033/2034¹² respectively to accommodate background growth and development-related traffic.

- 31 The Site is influenced by several significant noise sources, resulting in higher noise levels than those typical of rural environments. Existing levels already exceed District Plan noise limits at times, particularly during the night. As outlined in the Acoustic Assessment,¹³ key contributors include aircraft movements associated with Christchurch International Airport, road traffic from nearby public roads, and activities at Ruapuna Speedway.
- 32 A channel of the Papanui Water Race Network (**PWRN**), owned and operated by SDC, runs along the Barters Road frontage, with a short 200 m section of artificial channel feeding into it from within 94 Barters Road. The race is mapped as “obsolete” in the SDC water race maps. The Application treats it as an artificial watercourse (which we accept).
- 33 The Site overlies the unconfined/semi-confined Groundwater Aquifer System, with groundwater typically occurring between 13 m – 17 m below ground level.¹⁴
- 34 Earlier aerial imagery had suggested potential wetland indicators within 111 Pound Road. A subsequent site investigation by Wildland Consultants Ltd (October 2025) confirmed that no wetlands, springs, wetland soils, or hydrophytic wetland vegetation are present on the Site. The assessment found that surface-water pooling occurs only in depressions formed by livestock compaction and deer wallows along fence lines.
- 35 Ecological assessments by Wildlands¹⁵ and Instream Consulting¹⁶ record that the Site is highly modified farmland within the Low Plains Ecological District of the Canterbury Plains Ecological Region. The Site provides habitat for bird species, however it is recognised that the habitat values are unlikely to be high given the highly modified, exotic-dominated nature of the habitat. Targeted herpetofauna surveys confirmed the presence of southern grass skink (*Oligosoma aff. polychroma* Clade 5). A Lizard

¹² AEE at paragraph [190]; and AEE, Appendix 10 – ITA, July 2025, paragraph [83].

¹³ AEE, Appendix 4 – Acoustic Assessment, June 2025, paragraph [4.1].

¹⁴ AEE, paragraph [38].

¹⁵ AEE, Appendix 7 – Terrestrial Assessment, June 2025.

¹⁶ AEE, Appendix 9 – Aquatic Ecology Assessment, 16 June 2025.

Management Plan (**LMP**) has been prepared by Wildlands¹⁷ and forms part of the application for the Wildlife Approval. The LMP identifies the lizard values on the Site and provides for salvage and relocation to approved release sites (including Weedons Ross Road and Kōhwai Grove), with post-release monitoring and reporting secured through conditions.

Overview of the Application

36 The Application is described in Schedule 2 of the FTAA as:

Subdivide land and develop industrial lots (approximately 50 lots ranging between 2,000 square metres and 1.5 hectares and comprising approximately 84 lots across the full site).

37 The Proposal is outlined in further detail at paragraphs [63] – [116] of the AEE. In summary, it proposes the subdivision of 60.4 ha of RUF zoned land to create 74 allotments of varying sizes,¹⁸ plus road and stormwater reserve allotments.

38 There are a total of four subdivision stages, which the Proposal states may be constructed either consecutively or simultaneously. These are set out in the updated scheme plan, as depicted in Figure 2 below, and can be summarised as follows:¹⁹

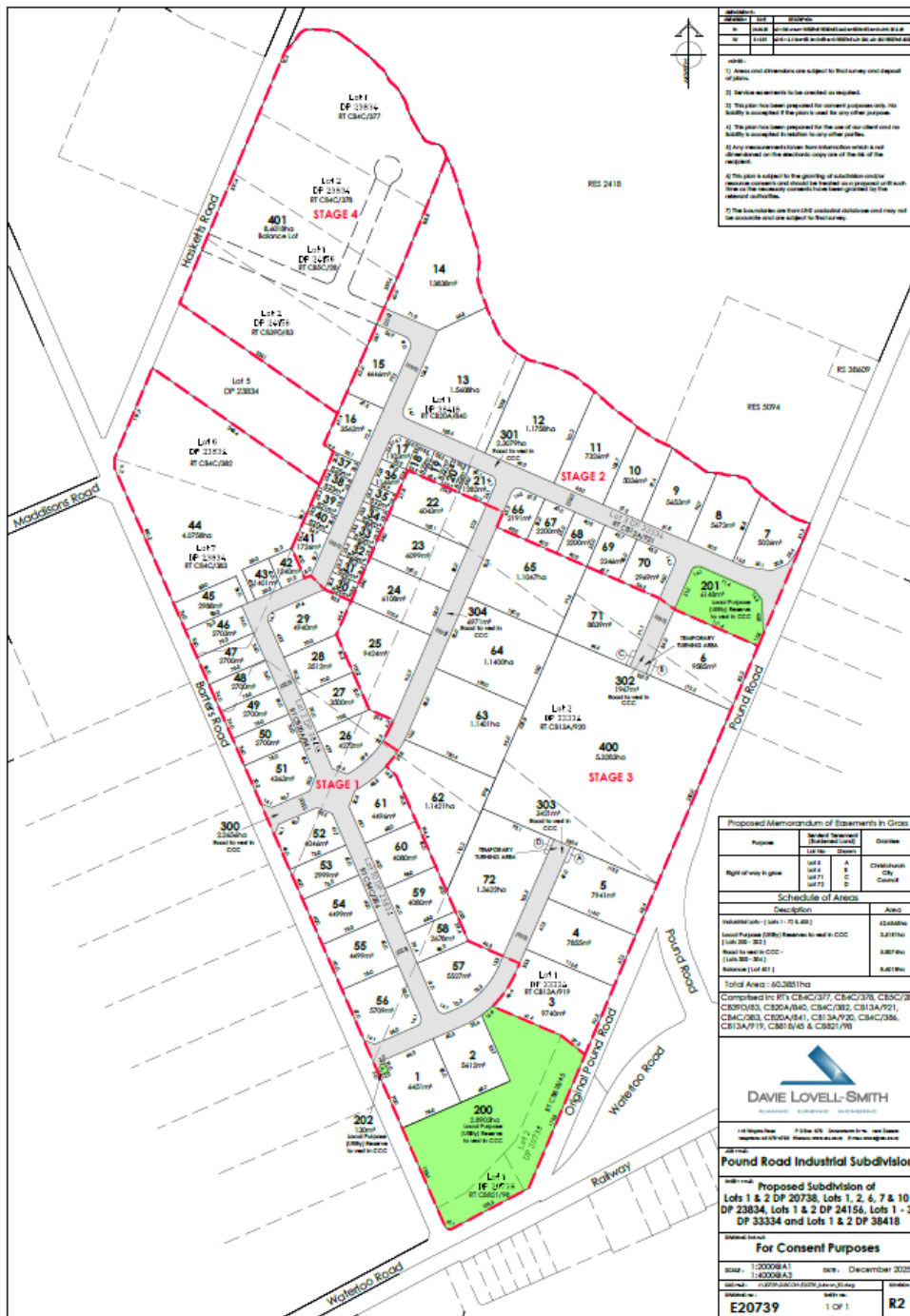
- (a) Stage 1 – involves 26 industrial lots, Roads 2 – 4, a stormwater management lot (Lot 200), a utility reserve (Lot 202) and installation of a culvert in association with the construction of the Road 3 connection to Barters Road;
- (b) Stage 2 – creates 32 industrial lots and a Stormwater Management Area (**SMA**) (Lot 201), together with construction of the intersection with Pound Road and Road 1 (including the proposed roundabout) and continuation of Roads 2 and 3;
- (c) Stage 3 – provides 15 industrial lots and extensions of Road 4; and

¹⁷ AEE, Appendix 8 – LMP, June 2025; LMP Updated, October 2025; and Novo Group Memo: Update on Lizard Release Site Location, 6 October 2025.

¹⁸ AEE, paragraph [72] provides that the proposed 74 industrial lots will range in size from 800m² to 500m² for the lots created along Barters Road and in the center of the development along the main roads. Lots 43 and 73 (the balance lot) are the two larger lots positioned along the Hasketts Road frontage of the Site, being 4ha and 8ha respectively.

¹⁹ AEE, paragraph [73].

- (d) Stage 4 – comprises an 8.6 ha balance lot, which will be subdivided in the future, providing an additional road connection to Hasketts Road.



Zoning

- 39 The Site is zoned RUF under the District Plan. This zone provides for a range of rural activities as permitted, including farming and supporting activities. The objectives and policies for the rural zones generally seek that subdivision, use and development support and maintain the function, character and amenity of the rural environment, in particular by providing for rural productive activities. Some provision for other activities is made where there is a functional, technical, or operational need for a rural location and the function, character and amenity of the rural environment is not compromised.²¹ We address the relevance of the IGZ provisions to this Proposal, and the weight we place on them, at paragraph [27] above.
- 40 Consistent with paragraph [27], the consent conditions are proposed to apply the current IGZ standards (including setbacks, building heights, outdoor storage, visual amenity and screening, and water supply for firefighting) together with relevant general provisions (including waterways, noise, outdoor lighting, aircraft protection, signs, and late night licensed premises). It is also proposed that these be supplemented by additional, site-specific conditions to reflect the Site's context.²²
- 41 The subdivision is intended to accommodate 'dry'²³ industrial uses, light manufacturing, warehousing, and logistics activities, while expressly excluding noise-sensitive and bird-attracting activities such as residential and educational uses, and fish or meat processing.
- 42 The Application also provides for the installation of supporting infrastructure, including roads, site landscaping, and three-waters services, as summarised below.

Roading and Intersections

- 43 In respect of roading and access, the Project proposes to establish a new internal road network comprising four roads (Roads 1 to 4) to be vested as part of the subdivision. A shared path will be formed through Lot 200 to connect with the existing Waterloo Road shared path, ensuring connectivity with the wider cycle and pedestrian network. New intersections are proposed to connect the Site to Pound and Barters Roads in stages 1

²¹ Section 53 Comments by CCC, 19 June 2025, paragraph [12].

²² AEE, paragraph [64].

²³ We are told these are uses with low water/wastewater use requirements.

and 2, and an indicative future intersection is proposed on Hasketts Road in stage 4. The timing, staging and delivery mechanisms for off-site Intersection Upgrades were refined through the s 53 comment process and subsequent engagement between the parties, and are addressed in Part E: Principal Issues in Contention (Transport – Intersection Upgrades) and reflected in the final condition set.

Landscaping

- 44 Landscaping to soften the interface between the development and adjoining land uses and to enhance on-site amenity is also proposed, including a 5 m-wide indigenous planting strip along the Barthers Road frontage to buffer the adjoining water race. Additional 1.5 m landscape strips are offered along the Pound Road and Hasketts Road frontages, consistent with the IGZ standards, together with street-tree planting within the internal road reserves. Along the northern boundary adjoining the Templeton Golf Course, there is to be tree planting at a ratio of one-per-10 m of boundary. All planting will utilise native and indigenous species from the District Plan's approved planting list, with ongoing maintenance secured by consent notice. Following the s 53 comment process, the Applicant also refined aspects of the interface landscaping (including updates to the Barthers Road edge treatment and northern boundary planting approach), as reflected in the final landscape plans and conditions.

Three-waters servicing

- 45 The Project provides for the construction of a comprehensive three-waters network.
- 46 Following further engagement with CCC (including as reflected in the Applicant's 19 December 2025 response to comments), the proposed wastewater system was changed from a local pressure system to a gravity network. The gravity mains will extend through all roads within the proposed development and discharge to a new pump station located within Lot 202 (as per Scheme Plan Rev R2, Dec 2025), from which flows will be conveyed via a rising main generally along Waterloo Road to the intersection of Waterloo Road and Brixton Street.²⁴
- 47 For potable water supply, the earlier proposal for an on-site tank and public supply connection has likewise been refined through engagement with CCC and the s 53

²⁴ AEE, Appendix 12 Addendum – Infrastructure Report Comments, undated, pg. 1.

response process and now provides for an upgrade of the existing 200 mm main from the Templeton Booster Pump Station (**TBPS**) to Pound Road, expected to increase to 375 mm uPVC following detailed design. A 200 mm reticulation main is to extend through the subdivision to service all lots, with hydrants provided at appropriate spacing to achieve the applicable fire-flow standard (as confirmed through detailed design and conditions).²⁵

- 48 Stormwater management is proposed to utilise on-lot soakage for roof runoff. Road and on-lot hard-stand stormwater would be directed to treatment and soakage basins located in Lots 200 and 201. The system would provide for primary conveyance through kerb and channel, pipes and secondary flow paths designed to prevent inundation of private lots in a 2% AEP event. Detailed design and modelling are to be confirmed through conditions and will ensure compliance with CCC's Infrastructure Design Standards (**IDS**).
- 49 Stormwater is anticipated to be managed through a combination of on-lot soakage and subdivision-wide treatment/soakage basins, with the detailed consenting and implementation mechanisms to be secured through conditions. Each lot will dispose of roof runoff to ground for rainfall events up to the 2% AEP, with responsibility for detailed design and installation addressed at subdivision and building-consent stages. Runoff from public roads, reserves and hardstand areas will be managed under the CCC Global Discharge Consent, conveyed via kerb and channel and pipes to treatment and soakage basins in Lots 200 and 201.²⁶ The piped network will convey up to a 20% AEP event, with secondary flow paths directing larger flows to the basins to avoid flooding of private lots. Consultation with CCC has occurred, and standard stormwater conditions are generally proposed by the Applicant.²⁷

Power and telecommunications

- 50 As would be expected, power and telecommunications to utility company and industry standards are proposed to be provided to all sites. Undergrounding of overhead power

²⁵ Ibid, pg. 2.

²⁶ AEE, paragraph [90].

²⁷ AEE, paragraph [93]; AEE, Appendix 12 – Infrastructure Report, June 2025, pg. 17.

lines will be required along Pound Road where Road 1 forms the proposed new intersection.

Culvert installation

- 51 The Proposal includes the installation of a culvert crossing within the PWRN as part of constructing Road 3 and its connection to Barters Road. The culvert will be 450 mm diameter (larger than the 375 mm diameter size of the existing culvert downstream) and is designed to minimise ecological disturbance and maintain fish passage. Installation will require clearing grass, gorse, and other non-indigenous vegetation, with fish salvage undertaken beforehand by a qualified freshwater ecologist under the necessary permits.
- 52 The channel connecting to the PWRN within the Site will be infilled. The channel to the PWRN has been assessed as having low ecological value, and mitigation will be provided through a 5 m indigenous planting buffer along the Barters Road frontage. Approvals to undertake the works within the PWRN have been obtained from both SDC and CCC, with the culvert crossing to be vested as road to CCC as part of the subdivision.

Earthworks

- 53 The Proposal includes earthworks to form the allotments, create the roads, and install services. As noted, these will be completed in four stages. Key features include:²⁸
- (a) The earthworks will regrade the Site so all lots drain towards new roads at a minimum grade of 1:300, maintaining the natural north-south fall to direct runoff to stormwater basins on Lots 200 and 201;
 - (b) Approximately 175,000 m³ of cut-to-fill is required, with significant excavation in roads and basins up to 3.5 m deep, and filling of two low-lying areas;
 - (c) Erosion and sediment controls (including stabilised entrances, clean water/dirty water diversion bunds, silt fences, and sediment retention

²⁸ AEE, paragraphs [100] – [103].

areas) will be installed and maintained per Canterbury Regional Council's (CRC) 2023 Erosion and Sediment Control Toolbox; and

- (d) Contaminated areas identified in Detailed Site Investigations (DSI) will be remediated under a Remediation Action Plan (RAP), with further testing and a final DSI provided before bulk earthworks commence. The approvals required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) are noted below.

RMA Approvals

- 54 In accordance with Schedule 5, cl 5(1)(f) FTAA, the Application identifies activities requiring consent under the relevant District Plan provisions, Canterbury Land and Water Regional Plan (LWRP) provisions and against the NES-CS.²⁹ A compliance assessment of the Proposal against the District Plan and LWRP, including identification of permitted activities, is contained in Appendix 15 of the Application.
- 55 We are unable to identify a clear statement as to the overall activity status from the AEE. This is addressed in CCC's comments and we agree with it that, in terms of the District Plan, LWRP, as well as other relevant regulatory standards, the Application has the following activity status:
- (a) Land use and subdivision - non-complying; and
 - (b) NES-CS - discretionary.³⁰
- 56 The relevant consents sought are as follows:³¹
- (a) Subdivision consent under s 11 RMA for 74 industrial lots and infrastructure/service lots (a non-complying activity);

²⁹ AEE, paragraphs [125] – [137] and corresponding tables.

³⁰ It is recorded as a restricted discretionary activity in the AEE, although we note CCC's comments describe it as discretionary.

³¹ AEE, paragraphs [27] and [68].

- (b) Land use consent under s 9 s RMA for future industrial activities, buildings and site improvements (a non-complying activity);
- (c) Consent for the discharge of construction phase and operational phase stormwater under s 15 RMA (a non-complying activity);
- (d) Consent for the non-consumptive take of water from an artificial watercourse and discharge of that water back into the watercourse as part of the installation of a culvert in the PWRN (Barters Drain) under s 14 s RMA (a restricted discretionary activity);
- (e) Land use consent under s 9 RMA to undertake earthworks over an aquifer (a restricted discretionary activity); and
- (f) Land use consent under s 9 RMA pursuant to NES-CS, as a restricted discretionary activity, to authorise the disturbance of contaminated soil (including earthworks and subdivision related works) on land where contaminant concentrations exceed the applicable NES-CS standards.

Wildlife Approval

- 57 Pursuant to s 42(4)(h) FTAA, the Applicant is seeking a Wildlife Approval for the salvage of lizards that are absolutely protected under the Wildlife Act 1953. The activity of salvage includes the capture, handling, release and incidental killing of wildlife.³²

Procedural steps

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

Completeness

- 59 The Applicant lodged the substantive application on 23 July 2025.

³² DoC's Section 51 Report, 20 October 2025, paragraph [1.3].

60 The EPA decided that the Application was complete and within scope³³ on 13 August 2025. On 26 August 2025 it made a recommendation on whether there were competing applications or existing resource consents for the same activity.³⁴ There were not.

Panel appointment

61 A minute³⁵ of the Panel Convener confirmed our appointment under s 50 in accordance with Schedule 3 of the Act, with a commencement date of 15 September 2025.

Meetings, site visits, directions and memoranda

62 We undertook a project overview conference and site visit on 26 September 2025.³⁶

(a) The project overview conference was held at the offices of Anderson Lloyd in Christchurch and was attended by representatives of the Applicant, CCC, Department of Conservation on behalf of the Director-General of Conservation (**DoC**) and CRC. Apologies were received from Te Rūnanga o Ngāi Tahu and the Ministry for the Environment. At that conference, the Applicant presented an overview of the Application, including the approvals sought and the principal technical and planning issues anticipated to arise.

(b) The site visit included a walkover of parts of the Site, inspection of the Intersections, travel around the Site's perimeter roads, and views toward the Site from the Templeton Country Club access.³⁷ We were accompanied by Dean Christie (Ngāi Tahu Property) and Georgia Brown (Novo Group) on behalf of the Applicant.

63 Ms Dines (special planning advisor) undertook a separate unaccompanied site visit on 24 October 2025.

³³ FTAA, s 46.

³⁴ FTAA, s 47.

³⁵ Minute of the Panel Convener regarding appointments and timeframe, 16 September 2025.

³⁶ Minute 1 of the Expert Panel, 23 September 2025; and Minute 2 of the Expert Panel, 6 October 2025.

³⁷ Minute 2 of the Expert Panel, 6 October 2025 at Appendix 1.

64 Following the project overview conference, we progressed our consideration of the Application through a series of procedural directions, memoranda and conferencing steps recorded in Panel Minutes 8 – 16. The key procedural steps were as follows:

- (a) In January 2026, we issued directions via Minute 8 requiring the Applicant and CCC, New Zealand Transport Agency Waka Kotahi (**NZTA**) and KiwiRail to identify remaining areas of disagreement on transportation matters, and to advise whether further conferencing or evidence would assist in resolving those matters.
- (b) On 20 January 2026, the Applicant filed a memorandum³⁸ responding to Minute 8 addressing the late comment received from the owner of 33 Barbers Road and enclosing a further transport expert memorandum. CCC, NZTA and KiwiRail also provided further responses to the further information sought by us in Minutes 8 and 9 (and the Applicant's subsequent memorandum addressing those matters), as outlined at paragraph [80].
- (c) We subsequently issued Minute 10 seeking comments from the Applicant and the three agencies on the potential appointment of a transportation special advisor. Written responses were received from the Applicant,³⁹ CCC⁴⁰ and KiwiRail.⁴¹
- (d) On 3 February 2026, the Applicant filed a memorandum⁴² responding to Minute 12 providing a consolidated summary of agreed and outstanding transportation topics for discussion at conference.
- (e) A conference was held on 5 February 2026 involving the Applicant, CCC, NZTA and KiwiRail to address the operation and upgrade of the

³⁸ Memorandum to the Expert Panel in response to Minute 8, 20 January 2026.

³⁹ Memorandum to the Expert Panel in response to Minute 10, 23 January 2026; and Memorandum to the Expert Panel enclosing the Applicant's response to the Panel's questions set out in para [4] of Minute 10, 26 January 2026.

⁴⁰ Email response from CCC, 23 January 2026.

⁴¹ Email response from KiwiRail, 23 January 2026.

⁴² Memorandum to the Panel in response to Minute 12, 3 February 2026.

Intersections and potential conditions linking development staging to Intersection Upgrades.

- (f) Following the conference, we issued Minute 14 recording key matters arising and issuing further directions for legal submissions on ss 83 and 84A FTAA, and additional evidence addressing (among other matters) the commercial viability of post-Stage 1 development if a condition precedent is imposed linking later stages to the upgrades, and economic evidence on the impact of any such condition on delivery of the Project's significant regional benefits.
- (g) On 17 February 2026, the Applicant filed a memorandum⁴³ in partial response to Minute 14, which provided a finalised legal memorandum on ss 83 and 84A and the purpose of the FTAA.
- (h) On 26 February 2026, the Applicant filed a memorandum⁴⁴ in response to Minutes 11 and 14 and our further information requests. The memorandum appended a number of expert reports addressing the outstanding issues identified by us.
- (i) On 27 February 2026, legal submissions⁴⁵ were filed on behalf of NZTA responding to the issues identified in Minute 14, including the interpretation and application of ss 83 and 84A FTAA and our ability to impose infrastructure-related conditions addressing the timing of Intersection Upgrades.
- (j) On 4 March 2026, CCC likewise filed a memorandum⁴⁶ responding to legal questions associated with transportation in Appendix 1 of Minute 11 and Minute 14.

⁴³ Memorandum to the Expert Panel in partial response to Minute 14, 17 February 2026.

⁴⁴ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, 26 February 2026.

⁴⁵ Legal submissions in response to Minute 14 on behalf of NZ Transport Agency Waka Kotahi, 27 February 2026.

⁴⁶ Memorandum of Counsel for the CCC responding to legal questions associated with Transportation in Appendix 1 of Minute 11 and Minute 14, 4 March 2026.

- (k) On 5 March 2026, CCC filed a further memorandum⁴⁷ responding to the Applicant's amended Application material. That memorandum addressed transportation matters, including CCC's position that a separated shared path should be provided along the Pound Road frontage of the Site.
- (l) On 5 March 2026 NZTA filed additional transportation and planning evidence.

65 We have had regard to this additional material in preparing this decision.

Other advice and reports obtained

Section 51 Report – Wildlife Approval

66 Pursuant to s 51(2)(c) FTAA, the Panel Convenor directed the EPA on 27 August 2025 to obtain a report from the Director-General of Conservation addressing the matters set out in cl 3 of Schedule 7. A report was received on 20 October 2025.

67 The report is addressed below in our consideration of the applicable criteria, however for present purposes we record DoC's support for the granting of the Wildlife Approval provided that the conditions proposed by DoC are adopted by the Applicant.⁴⁸

68 In response to DoC's comments, the LMP was amended by the Applicant. Those amendments included:

- (a) Proposing new release sites on CRC land at Weedons Ross Road and a smaller site at Kōwhai Grove;
- (b) Providing information on timing of lizard salvage and post-release monitoring;
- (c) Amendments to the conditions to better reflect the activities carried out and allowing for the permit to include relocating McCanns skink if required;
- (d) Allowing for compliance reporting in stages; and

⁴⁷ Transportation Memorandum for CCC Responding to Applicants Amended Application Files on 27 February, 5 March 2026.

⁴⁸ DoC's Section 51 Report, 20 October 2025, paragraphs [3.1] – [3.2].

- (e) Further information on personnel authorised to handle lizards.

69 Overall, we understand that DoC is now satisfied with the provisions of the LMP and that through this process it has proposed conditions to ensure the management of actual and potential effects as part of the Wildlife Approval application.⁴⁹ The s 51(2)(c) report concludes that, if these conditions are accepted, the proposed activities would be consistent with the purpose of the Wildlife Act and provide for the protection of absolutely protected wildlife.

Section 18 Report – Treaty Settlements

70 Pursuant to s 52 FTAA, the Panel Convener provided us with a report obtained under s 18 on Treaty settlements and other obligations dated 28 August 2025. Appended to that report is a list of the relevant Māori groups including relevant iwi authorities, treaty settlement entities and ‘other Māori groups’ with an interest.⁵⁰

Invitations to comment

71 We set out our decision on the parties that comments would be sought from in Minute 2 dated 6 October 2025.

72 Under s 53(2), we invited comments from the mandatory parties set out in that subsection. Additionally, we exercised our discretion under s 53(3) to invite comments from other persons we considered appropriate, as follows:⁵¹

- (a) We invited comment from the other parties listed in Appendix 4 to Minute 2 of the Expert Panel, namely SDC, as suggested by the Applicant, and Whitiora Centre Limited and Mahaanui Kurataiao Limited on the basis we understand both entities to be ‘other Māori groups’ with an interest and not a relevant iwi authority or Treaty settlement entity;
- (b) We also sought comment from the four properties near the intersection of Barbers Road and Main South Road that the Applicant considers to be

⁴⁹ Ibid at Appendix A: Conditions.

⁵⁰ Treaty settlements and other obligations (Section 18) report, 28 August 2025, Attachment 3.

⁵¹ See further analysis and discussion in Minute 2 from paragraph [8], and paragraphs [14] – [19].

adjacent,⁵² although the EPA has not identified these properties as such;
and

- (c) We accepted the Applicant's analysis and did not invite comment from Fire and Emergency New Zealand, Heritage New Zealand, and Christchurch International Airport.

73 The invitations were sent by letter dated 6 October 2025. Responses were due on 4 November 2025.

74 Comments were received from:

- (a) CCC;
- (b) CRC;
- (c) Game Animal Council;
- (d) Minister of Arts, Culture and Heritage & Minister for Treaty of Waitangi Negotiations;
- (e) Minister for the Environment;
- (f) Minister of Infrastructure;
- (g) Whitiara Centre Limited;
- (h) Cass Jones & Gemma McLaughlin;
- (i) Canterbury Aoraki Conservation Board;
- (j) Carey Jones;
- (k) John and Philippa Borlase;
- (l) Minister for the South Island & Associate Minister of Transport;

⁵² AEE, Appendix 28 – Map application site and adjoining properties, entries [9] – [12] of Table, pp. 6 – 7.

- (m) Warwick and Marianne Wright;
- (n) DoC;
- (o) Department of Corrections; and
- (p) NZTA.

75 Late comments were received from:

- (a) KiwiRail, which was a party invited to comment under s 53(2)(l), on 14 November 2025. A decision on the receipt of those late comments was set out in Minute 7; and
- (b) The owners of 33 Barbers Road, on 23 December 2025. This was received after the time for identified parties to provide comments under s 54. We addressed those late comments in Minute 8 and invited submissions from the Applicant. The Applicant responded by memorandum dated 20 January 2026 and did not oppose acceptance. Our decision to accept the late comments was set out in Minute 11.

(together, **Late Comments**).

76 We had regard to the list of non-exhaustive factors that Panel in the Taranaki VTM project⁵³ considered when determining if it should exercise a discretion to accept comments out of time on that application.⁵⁴ Adopting those factors, we decided to exercise our discretion to consider the Late Comments under s 81(6)(b) FTAA because the Late Comments were received before a decision under s 81 was made. For the reasons set out in Minutes 7 and 11, we did not consider the Applicant, or any other party would be unduly prejudiced by accepting the Late Comments. In relation to the comments from the owners of 33 Barbers Road, we also noted that the Applicant did not oppose their receipt and had responded in substance.

⁵³ FTAA-2504-1048 (withdrawn).

⁵⁴ We note that Panel did not rely on s 81(6) but we considered the factors set out were equally applicable to our approach.

77 We would like to thank all parties who commented for their contributions. We have considered these all carefully. The following is a summary of the matters raised in the 53 comments:

77.1 Transport and access effects:

- (a) NZTA initially identified uncertainties and gaps in the Integrated Transport Assessment (**ITA**), particularly relating to the operation and capacity of the Intersections and the rail level crossing;
- (b) NZTA and CCC considered that the development would exacerbate existing congestion and queue-propagation issues, they noted there were no upgrade projects planned and funding and timing issues need to be resolved before any upgrade could proceed;
- (c) Both agencies also identified that staging the overall subdivision may be required to manage effects;
- (d) CCC considered that upgrades to the roads surrounding the subdivision would be required along with pedestrian and cycleway connections;
- (e) Neighbours also raised concerns about safety, increased heavy vehicle traffic on rural roads, and effects on the Barbers Road interface; and
- (f) KiwiRail raised concerns about potential safety and capacity effects of the development on nearby rail level crossings.

77.2 Amenity, rural-industrial interface, and reverse sensitivity:

- (a) CCC noted that potential effects of large-scale industrial development adjoining rural-residential properties (e.g. visual, noise, lighting and boundary-amenity effects) require assessment and robust mitigation;
- (b) CCC provided legal advice on the application of NPS-HPL to the Application;
- (c) CCC also provided comments on managing the interfaces with adjoining properties with recommendations to address the height, bulk and colour of buildings and improved screening;

- (d) Department of Corrections raised concerns about reverse sensitivity risks to its lawfully established farming operations (including a large-scale piggery and composting operation) and sought no-complaints covenants or equivalent protection;
- (e) Neither CRC or CCC identified there to be issues of reverse sensitivity in relation to the operations of Christchurch International Airport, or for nearby rural productive land use activity;
- (f) Neighbours sought measures including noise attenuation, bunding, retention and maintenance of tree hedges, screening, limits on access points, and pedestrian-safety improvements; and
- (g) CCC noted there would be change in the nature of noise generated in the local rural environment, but not significantly so, and compliance with the District Plan noise limits at neighbouring properties would be achieved.

77.3 Ecological effects:

- (a) DoC and CCC emphasised the need for amendments to the LMP, confirmation of release-site capacity, updated habitat enhancement plans, a clear salvage, relocation and monitoring methodology, and strengthened predator-control measures;
- (b) CCC sought further assessment of the effects on the PWRN and suggested changes to the proposed 5 m wide planting strip;
- (c) CCC and DoC emphasised the need for clear and directive management plans, including in the management of birds and fish;
- (d) The Canterbury Aoraki Conservation Board observed close alignment with industry guidelines for proposed lizard capture and transfer; and
- (e) The agencies generally considered that effects could be managed through improved conditions.

77.4 Three-waters infrastructure:

- (a) CCC identified that further modelling was required to confirm the required upgrades to the public water supply network;
- (b) CCC also raised concerns about wastewater capacity, including uncertainty about downstream network constraints but agreed in principle that providing a new connection to the network at Brixton/Waterloo Roads would address the constraints;
- (c) CCC identified that the Site is not included in the Birdstrike Management Area and the related rules do not apply. CCC noted that the Applicant has irrespectively accepted CCC's standard conditions regarding birdstrike in relation to stormwater bodies; and
- (d) CCC agreed with the proposed stormwater approach.

77.5 Contaminated land:

- (a) CRC recommended changes to the draft consent conditions to mitigate adverse effects of contamination; and
- (b) In principle the commenters agreed that soakage-based disposal is feasible provided detailed design complies with requirements.

77.6 Construction-phase effects:

- (a) Identified effects included dust, erosion and sediment, traffic, vibration, and noise, were raised by CCC, CRC, DoC, Whitiora, and neighbouring residents;
- (b) Commenters emphasised the need for robust management plans, seasonal restrictions where appropriate, and measures to minimise nuisance to nearby dwellings; and
- (c) CRC further identified the need for an updated RAP and SVR after remediation and prior to bulk earthworks commencing.

77.7 Positive economic benefits:

- (a) The positive economic benefits of the Project were highlighted in comments from the Minister for Infrastructure, the Minister for the South Island/Associate Minister of Transport; and
- (b) CCC cautioned that the uptake of the industrial land may be overstated and pointed out that a cost benefit analysis (including consideration of other costs) would be required to understand the net economic benefits if significant adverse impacts are identified to inform the s 85(3)(b) assessment.

78 On 19 December 2025, the Applicant provided a comprehensive response to the comments received on the Application from those persons who were invited to comment under s 53 of the FTAA.

79 Following receipt of the s 53 comments, and in response to the further information sought by us in Minutes 8 and 9 (and the Applicant's subsequent memorandum addressing those matters), CCC, NZTA and KiwiRail provided further responses.⁵⁵ In summary:

- (a) NZTA confirmed that a feasible pathway had been identified to address NZTA's earlier concerns, with remaining matters focused on the timing, funding and implementation mechanisms for the required Intersection Upgrades and associated mitigation;
- (b) CCC maintained concerns regarding delivery certainty and responsibility for Intersection Upgrades and related local road works, including walking and cycling connections; and
- (c) KiwiRail reiterated its request for a Level Crossing Safety Impact Assessment (**LCSIA**) prior to construction, while acknowledging the Applicant's position that the proposed Intersection Upgrades and associated works would address level-crossing effects.

80 As mentioned, by memorandum dated 5 March 2026, CCC provided further comments responding to the Applicant's amended Application material and updated transport

⁵⁵ Memorandum for CCC responding to Minute 8 of the Expert Panel, 20 January 2026; email response from KiwiRail, 20 January 2026; and Memorandum of NZTA on the Pound Road Christchurch Industrial Subdivision Project, 20 January 2026.

documentation. In that memorandum, CCC maintained its position that a separated shared path should be provided along the Pound Road frontage of the Site in accordance with the IDS and relevant NZTA cycling guidance. CCC considered that the Applicant's proposal to rely on road shoulders would not adequately provide for active transport or pedestrian movement and suggested that vesting a strip of land as road reserve could provide a mechanism for delivering the path while avoiding relocation of existing power infrastructure.

- 81 We address the active transport and shared-path issue as part of our overall assessment of transportation effects and conditions (see Parts E, F and K).

Suspension and Applicant's response to comments by invited persons

- 82 The Applicant sought suspension of the processing of the Application on five occasions under s 64 FTAA, as follows:

- (a) 11 November 2025 – 12 January 2026: to prepare its response to s 53 comments (filed 19 December 2025,⁵⁶ including updated draft conditions);
- (b) 26 January – 3 February 2026: following receipt of further transport information and engagement with the Transport Agencies;⁵⁷
- (c) 5 February – 4 March 2026: following the transport conference, to undertake further work on transport matters and conditions, including time for parties to consider material filed in response to Minute 14;⁵⁸
- (d) 6 – 13 March 2026: to enable completion of our deliberations and drafting;⁵⁹ and
- (e) 9 April – 15 April 2026: to respond to comments on the draft conditions.⁶⁰

⁵⁶ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, 19 December 2025.

⁵⁷ Memorandum to the Expert Panel requesting to suspend the Application, 26 January 2026.

⁵⁸ Memorandum to the Expert Panel requesting to suspend the Application, 5 February 2026; and Memorandum to the Expert Panel in partial response to Minute 14 – update on indicative timeframes, 19 February 2026.

⁵⁹ Memorandum to the Expert Panel requesting to suspend the Application, 6 March 2026.

⁶⁰ Memorandum to the Expert Panel requesting to suspend the Application, 9 April 2026.

83 The Applicant consented to the Panel and special advisors continuing to work on the Application during the periods of suspension.

84 Further legal submissions and evidence were subsequently received as directed by Minutes 8, 9, 11 and 14 and are summarised at paragraph [55] above. We have considered the Applicant's responses to comments and the additional information provided during these suspension periods and refer to that material where relevant in the assessment that follows.

Appointment of special advisors

85 Under cl 10 of Schedule 3 FTAA, we may appoint special and technical advisors.

86 We appointed Ms Sharon Dines as a special advisor to assist with the review and drafting of conditions, and Ms Ashleigh Yardley to provide support with decision writing.⁶¹ These appointments were made under cl 10(2) of Schedule 3 FTAA.

Conditions

87 The Applicant included a set of volunteered conditions with the Application in Appendix 14. Following the project overview conference, the Applicant provided updated CCC conditions and updated CRC conditions. The conditions proposed as part of the Wildlife Approval were amended when the updated LMP was provided.

88 Both CCC and CRC, in their capacities as regulatory authorities, provided detailed feedback on the proposed conditions as part of their formal comments under s 53.

89 CCC recommended a range of additional or amended conditions through its technical reports, including in relation to rural amenity and site interfaces, transport upgrades, water and wastewater servicing, waterways assessments, landscaping, building height, boundary treatments, and signage along existing road frontages.

90 CRC similarly identified a number of refinements to the condition set, including the need for additional information on the inspection and maintenance of soakage pits,

⁶¹ Minute 2 of Expert Panel, 6 October 2025.

clarification of the requested consent durations, and the incorporation of two additional contaminated-land conditions recommended by CRC's expert.

- 91 DoC, the Department of Corrections and several neighbours also commented on the proposed conditions provided with the Application. In their Late Comments, KiwiRail sought a condition requiring a LCSIA be undertaken before construction, with all recommended mitigation implemented at the Applicant's cost.
- 92 We consider that the Applicant responded constructively to many of the commenters' suggestions and, in the version of the conditions provided with its s 55 response, sought to align with best practice and include greater detail in terms of conditions design.
- 93 On 19 December 2025, the Applicant provided us with the second version set of conditions. This set had been the subject of consultation and engagement with CCC, CRC and DoC
- 94 We have considered all comments received regarding the draft conditions. In accordance with s 70 FTAA, we developed our own set of draft conditions and directed the EPA on 17 March 2026 to invite comments on the draft conditions from the parties listed in s 70(1)(a) to (c):
- (a) The Applicant;
 - (b) CCC;
 - (c) CRC; and
 - (d) The respondents who provided comments under section 53 of the FTAA.
- 95 Comments on conditions were received from the Applicant, CCC, CRC and five of the respondents who provided comments under s 53. This latter group included NZTA, DoC and Department of Corrections.
- 96 We have provided details of our consideration and analysis of these comments received, as well as the response from the Applicant throughout this decision, particularly in Part K: Conditions.

No hearing

- 97 In accordance with s 56 FTAA, we do not require a hearing on any issue. We have been able to adequately consider the Application on the papers, including the comments received, responses to comments and the further information and submissions provided by the Applicant and invited persons.
- 98 We did hold a conference with the parties with a direct interest in the level crossing and the Intersections on 5 February 2026, as recorded earlier. The reasoning and process for that conference was set out in Minutes 11, 13 and 14.
- 99 We record we are satisfied that the information before us is sufficient to identify and evaluate the principal issues in contention and to determine the Application. In reaching that view, we are mindful of the emphasis on time-limited decision-making in the FTAA and the procedural principles in s 10 FTAA. Where differences of view remained (particularly in relation to transportation timing, funding and delivery mechanisms), we have addressed those matters through our evaluative findings and, where appropriate, through conditions.

Timing of the Panel decision

- 100 In accordance with the Panel Convener Minute dated 16 September 2025 the timeframe for us to issue our decision documents under ss 79 and 88 is 48 working days from the date that invited comments on the Application close – namely, 4 November 2025.
- 101 However, taking into account the periods during which processing was suspended, the statutory timeframe for issuing the decision was correspondingly extended. The revised due date for our decision is 1 May 2026.

PART C: LEGAL CONTEXT

Legal context for a listed project under the FTAA

- 102 In accordance with s 42 FTAA an authorised person for a listed project may lodge a substantive application with the EPA.⁶² The application is required to follow the process set out in ss 43 and 44.

Decisions on approvals

- 103 Section 81 describes the decision-making framework under the FTAA. Relevant to the approvals sought in this instance, that framework comprises:

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—
 - (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), clauses 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.

...

⁶² FTAA, ss 4 and 42.

- (6) Despite subsection (2)(a), the panel—
 - (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
 - (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.
- (7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

104 We are also mindful of our obligation under s 7 FTAA to act in a manner that is consistent with obligations arising under existing Treaty of Waitangi / Te Tiriti o Waitangi settlements.

105 The Panel Convener provided a report under s 18 FTAA identifying the relevant Treaty settlement as the Ngāi Tahu Claims Settlement Act 1998 and relevant Māori groups. Section 82 therefore may apply to this decision. We address the application-specific implications of these matters in Part D: Iwi Authorities.

Ability to decline consent

106 Section 85(1) and (2) set out the circumstances in which we must decline an approval.

107 We have determined that none of those circumstances apply in this case, because:

- (a) The EPA has confirmed that the approvals sought are not for ineligible activities,⁶³ and
- (b) We do not consider granting the approvals would breach s 7 FTAA.⁶⁴ and
- (c) This is not an application for a coastal permit for aquaculture activities.⁶⁵

108 Section 85(3) provides that an approval may be declined if the Panel forms the view that:

- (a) there are 1 or more adverse impacts in relation to the approval sought; and

⁶³ FTAA, s 85(1)(a).

⁶⁴ FTAA, s 85(1)(b).

⁶⁵ To which clause 17(5) of Schedule 5 applies; FTAA, s 85(2).

- (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.

109 As recognised by other FTAA panels, this provision establishes a proportionality or balancing exercise requiring us to evaluate adverse impacts against the extent of the Project's regional or national benefits. The Act defines "adverse impacts" broadly in s 85(5) to mean any matter considered by the Panel in complying with s 81(2) that weighs against granting the approval. The proportionality assessment therefore requires a holistic and evaluative judgment rather than a formulaic or purely quantitative comparison.

110 Section 85(4) provides that a Panel may not form the view that an adverse impact meets the threshold in s 85(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 the Panel must take into account under s 81(2).

111 Accordingly, inconsistency with planning instruments or other statutory documents may weigh against the grant of approval and therefore may fall within the broad definition of "adverse impact" in s 85(5). However, such inconsistency does not, of itself, determine the proportionality assessment. The question remains whether, having regard to the extent of the Project's regional or national benefits and the effect of conditions and mitigation, any identified adverse impacts are sufficiently significant to be out of proportion to those benefits. The FTAA proportionality test differs from RMA decision-making tests and envisages an overall evaluation or balancing approach, undertaken after conditions and mitigation are identified.

112 Section 85 therefore requires an overall assessment of the impacts, both beneficial and adverse, and requires us to assess whether any adverse impacts are sufficiently significant to be out of proportion to (here) regional benefits relevant to this decision. As discussed below in Part G, all benefits and adverse impacts are relevant, but not all can be assessed in numerical or monetary terms and a cost-benefit analysis is not mandatory.

113 In our assessment of s 85(3) we will therefore:

- (a) Identify the material adverse impacts and quantify where appropriate;
- (b) Identify the regionally significant benefits and quantify where appropriate;
- (c) Undertake an overall evaluative comparison of those impacts and benefits, including the effect of conditions;
- (d) Determine whether any adverse impacts are sufficiently significant to be out of proportion to the regional benefits such that the discretion in s 85(3) should be exercised; and
- (e) If so, determine how that discretion should be exercised.

FTAA Amendments

114 During the processing of this Application, the FTAA was amended by the Fast-track Approvals Amendment Act 2025 (**Amendment Act**). The transitional provisions of the Amendment Act provided that some new and amended provisions applied to extant applications.

115 Of particular significance to the Application is s 84A, which, according to the Applicant, was intended to prevent situations where developments were unable to proceed due to infrastructure upgrades not being progressed by a third party. We discuss s 84A in Part E: Principal Issues in Contention.

Approvals relating to the Resource Management Act 1991

116 In considering whether to grant an RMA Approval, we must apply cl 17 to 22 and 26 of Schedule 5 to the FTAA.⁶⁶

117 Clause 17 of Schedule 5, relevantly, states:⁶⁷

⁶⁶ FTAA, s 81(2)(b) and (3)(a).

⁶⁷ For the purposes of cl 17(2)(c), the Section 18 Report at [40] did not identify any Mana Whakahono ā Rohe or joint management agreements that are relevant to the approval. In respect of cl 17(3) and (4), there are no provisions of the RMA that would require us to decline the approvals, and accordingly these sub-clauses are not considered further. Clause 17(5) – (7) are procedural in nature and are therefore omitted.

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),
 - (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

...

[sub-clauses (2)(b)-(c), and (3) – (7) omitted]

118 When assessing the purpose of the Act under cl 17(1)(a), we are required by s 81(4) to consider the extent of the Project's national or regional benefits.

119 In respect of the weighting of the matters listed in cl 17 to be taken into account, the greatest weight must be accorded to the purpose of the FTAA (criterion (a)), and by implication the criteria in (b)-(c) are to carry equal statutory weight. The Court of Appeal's decision in *Enterprise Miramar*⁶⁸ has been expressly cited in previous Panel decisions⁶⁹ as it offers useful guidance for decision-making under the FTAA. It confirms as follows (adapted accordingly⁷⁰):⁷¹

- (a) Although the greatest weight must be placed on the purpose of the FTAA, that purpose cannot be applied in isolation or at the expense of due consideration of the other matters listed in (b)–(c);

⁶⁸ *Enterprise Miramar Peninsular Inc v Wellington City Council* [2018] NZCA 541.

⁶⁹ Bledisloe North Wharf & Fergusson North Berth Extension [FTAA-2503-1028], 21 August 2025 (amended 8 September 2025), paragraphs [120] – [121]; Drury Quarry Expansion – Sutton Block [FTAA-2503-1037], 11 December 2025, paragraphs [113] – [114]; and Milldale – Stages 4C and 10 to 13 [FTAA-2503-1038], 3 October 2025, paragraph 60.

⁷⁰ The Court in *Enterprise Miramar* was considering s 34 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA). Unlike the FTAA, HASHAA required the greatest weight to be given to criterion (a) and the least to criterion (e).

⁷¹ *Enterprise Miramar*, paragraphs [41], [52] – [53] and [55].

- (b) Clause 17 requires each of the matters listed in cl 17(1)(a)–(c) to be considered individually before undertaking an overall weighting, consistent with the statutory direction; and
- (c) The purpose of the FTAA is not logically relevant to an assessment of environmental effects. Environmental effects do not become less than minor merely because of the Act’s purpose. What changes is the weight to be placed on those more than minor effects. They may, or may not, be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefit.

120 In accordance with cl 17, the relevant matters we have taken into account are:

- (a) The purpose of the FTAA, being “to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.” As mentioned, when assessing this criterion, we must consider the extent of the Project’s national or regional benefits. This criterion is to be individually assessed as part of a cl 17(1) assessment, and then, when conducting an overall assessment, is to be given the greatest weight;
- (b) Part 2 of the RMA, comprising: sections 5 - 7;
- (c) Part 3 of the RMA, and in particular: s 9 (restrictions on use of land); s 14 (restrictions relating to water); s 15 (discharges of contaminants); s 16 (duty to avoid unreasonable noise); and s 17 (duty to avoid, remedy or mitigate adverse effects);
- (d) Part 6 of the RMA, and in particular: s 104 (consideration of applications); s 104B (consideration of applications for discretionary or resource consents); s 106 (refusal of subdivision consent in certain circumstances) and ss 108 – 108A (conditions of resource consents); and
- (e) Part 10 of the RMA, as it relates to the subdivision parts of this Application. Section 220 specifies the conditions that may be imposed on a subdivision consent.

121 No other relevant provisions of any other legislation that directs decision making under the RMA has been drawn to our attention as being relevant to the Application.⁷²

122 Clause 18 is procedural and provides that, when setting conditions, the provisions of Parts 6, 9, and 10 of the RMA apply, with any necessary modifications to give effect to the FTAA. Clauses 19 - 22 are not relevant to this Application.

Approvals relating to a Wildlife Approval under the Wildlife Act 1953

123 In determining whether to grant a wildlife approval under the Wildlife Act 1953, we are required to apply cl 5 of Schedule 7 FTAA.

124 Clause 5 provides:

5 Criteria for assessment of application for wildlife approval

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; and
- (b) 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
- (c) 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).

125 The analysis at paragraph [120] concerning cl 17 is likewise relevant to our consideration of cl 5 of Schedule 7. As with approvals under the RMA, the *Enterprise Miramar* decision offers guidance on how cl 5(a) should be approached, including the weight to be given to the FTAA's purpose.

126 In respect of cl 5(b), there is no explicit purpose section within the Wildlife Act 1953. However, applying s 10 Legislation Act 2019, the purpose can be ascertained from the scheme of the Act which is given effect through s 3.⁷³ That section provides that all wildlife is declared to be subject to the Act and, with certain categories of exceptions, is to be absolutely protected throughout New Zealand.

⁷² FTAA, Schedule 5, cl 17(1)(c).

⁷³ *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791, paragraph [11].

- 127 The Wildlife Approval applies to the southern grass skink (*Oligosoma aff. polychroma* Clade 5). It is the effects on that species that must be assessed under cl 5(b).
- 128 In respect of cl 5(c), we must consider information and requirements relating to southern grass skink. The Bledisloe Wharf Panel released its decision dated 21 August 2025. In that decision the Panel explained that cl 5(c) does not relate to an assessment against the FTAA requirements (that obligation is provided for elsewhere in the FTAA) but rather includes broader matters such as (adapted accordingly):⁷⁴
- (a) NZ Threat Classification System (the southern grass skink is classified nationally as At Risk – Declining⁷⁵);
 - (b) Relevant International Conservation Agreements (such as the United Nations Convention on Biological Diversity and the International Union for Conservation of Nature⁷⁶); and
 - (c) Any other information about, or requirements directed specifically to southern grass skink.

⁷⁴ Bledisloe North Wharf & Fergusson North Berth Extension, above n 69, paragraph [129].

⁷⁵ DoC's Section 51 Report, 20 October 2025, Table 1 and paragraph [6.3.2].

⁷⁶ Ibid, paragraphs [8.1.2] – [8.1.7].

PART D: IWI AUTHORITIES

Section 18 Report for a listed project

- 129 The Ministry for the Environment provided a report under s 18 FTAA identifying the Ngāi Tahu Claims Settlement Act 1998 as the relevant Treaty settlement and the following Māori groups with interests in the Project area: Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga, Whitiara Centre Limited and Mahaanui Kurataiao Limited.
- 130 The report confirmed that no additional Treaty settlement obligations, documents or procedural requirements relevant to this Application were identified under s 18(2). In particular, no settlement document was identified that requires equivalent effect under s 82.

Applicant engagement

- 131 The Applicant undertook engagement with Te Rūnanga o Ngāi Tahu and Whitiara Centre Limited (on behalf of Te Ngāi Tūāhuriri Rūnanga) prior to lodgement, including written correspondence, kōrero and circulation of draft Application material.⁷⁷ This engagement enabled iwi interests to be identified and addressed within the Application and proposed management plans.

Comments from iwi entities

- 132 We invited comments from Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga, Whitiara Centre Limited and Mahaanui Kurataiao Limited under section 53(2)(b) – (c).⁷⁸
- 133 Whitiara Centre Limited provided comments on behalf of Ngāi Tūāhuriri, advising that:
- (a) The Site is not identified as having high cultural significance or cultural overlays; and

⁷⁷ AEE, paragraphs [273] – [274], [356] and Table 2; AEE, Appendix 22 – Consultation feedback Te Rūnanga o Ngāi Tahu and Te Ngāi Tūāhuriri, 4 - 18 July 2025.

⁷⁸ Minute 2 of the Expert Panel, 6 October 2025.

- (b) A tikanga or cultural values assessment was not required, provided best-practice earthworks and stormwater management, accidental discovery protocols and ecological management plans were secured through consent conditions.

134 No other iwi authorities or Māori groups provided comments.

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

135 There were no comments on the draft conditions pertaining to cultural values, iwi engagement, Māori development or other matters directly concerning iwi.

136 We provided the draft decision and draft conditions to the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development for comment under s 72 FTAA. On 31 March 2026 we received a response from Hon Tama Potaka in his capacity as Minister of Māori Crown Relations: Te Arawhiti and Minister for Māori Development. The Minister confirmed his support for our decision and the proposed conditions. He also noted that we have had regard to Whitiōra Centre Limited's expectations for best-practice consent conditions and recorded his understanding that we are satisfied that the effects of the Project will be appropriately managed and mitigated through those conditions.

137 We have taken the Minister's comments into account. They provide further support for our conclusion that the conditions imposed appropriately recognise and respond to iwi interests and are sufficient to manage potential effects on cultural values.

Treaty settlements and recognised customary rights

138 We have already noted s7 FTAA requires us to act consistently with obligations arising under existing Treaty settlements. Having considered the s 18 report and the matters summarised above, we are satisfied that granting the approvals sought is not inconsistent with s 7 and is consistent or not inconsistent with obligations arising under the Ngāi Tahu Claims Settlement Act 1998.

139 As no settlement document was identified that requires equivalent effect under s 82, and no recognised customary rights are relevant to this Application, we are satisfied

that no conditions are required under s 84 in relation to Treaty settlements or recognised customary rights.

PART E: PRINCIPAL ISSUES IN CONTENTION

140 The principal issues in contention are:

- (a) Interpretation of s 84A;
- (b) Transport – Intersection Upgrades;
- (c) Highly productive land; and
- (d) Landscape and visual amenity.

141 We note two other issues in contention were the economic effects and other transportation effects of the Proposal. Because economic considerations arise under our assessment of significant regional benefits and s 85, we have not discussed this issue in this part. Instead, we have described the economic effects in Part F and then record our findings in Parts N and O.

142 There are a number of other transportation effects arising, some of which have been raised by commenters, including some property owners near the Site. Those matters in contention have been addressed in Part F as well. Not being addressed in this section is not reflective of their importance as matters in contention or the attention that we have given them. Rather, for the purpose of the construction of this decision, we found it easier to address those matters in that part. To some extent the same applies to other temporary construction effects raised by the commenters. We have likewise addressed those in Part F.

143 To avoid any doubt we confirm for the purpose of s 87, we consider the principal issues in contention to include all the matters listed in the preceding paragraphs.

Section 84A analysis

Section 84A

144 There is disagreement between the parties on the effects of the Application on the Intersections. We will discuss the differences between the parties in detail in subsequent parts of this decision but in general terms the disagreement centres on the contribution the Applicant should make to the Upgrades to the Intersections that may

be required to mitigate or remedy effects on the Intersections from increased traffic arising from the Proposal.

145 A key issue when determining that contribution is the interpretation of s 84A, a recently enacted provision that we noted earlier.

146 Section 84A provides:

84A Conditions relating to infrastructure

- (1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support-
 - (a) The project; or
 - (b) The stage of the project to which the Application relates.
- (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.
- (3) To avoid doubt, a condition set under this section may impose an obligation on the Applicant only.

147 Section s 84A addresses conditions relating to infrastructure and is particularly relevant to the transportation impacts of the Proposal. We therefore invited, and were provided with, legal submissions on the interpretation of s 84A from the Applicant, CCC and NZTA.

148 By way of background, in setting conditions under the FTAA, the parties agree that:

- (a) Section 81(1) requires us to decide, if we grant an approval, whether any conditions should be imposed;
- (b) Schedule 5 cl 18 confirms that when setting conditions on a consent, the provisions of Parts 6, 9 and 10 RMA apply to RMA Approvals, subject to the modifications required by the FTAA. Accordingly, in reliance on established law for RMA conditions, any conditions must:
 - (i) Comply with, inter alia, s 108AA;

- (ii) Be for a resource management purpose, not an ulterior one;⁷⁹
 - (iii) Fairly and reasonably relate to the development authorised by the resource consent;⁸⁰
 - (iv) Not be so unreasonable that no reasonable planning authority duly understanding its statutory duties could have imposed them;⁸¹
 - (v) Be certain, not lacking in finality;⁸²
 - (vi) Be capable of enforcement;⁸³
 - (vii) Not require the consent of a third party;⁸⁴
 - (viii) An applicant may offer conditions which the decision-maker may accept, including conditions that might otherwise be unlawful if imposed without the applicant's agreement;⁸⁵
- (c) Schedule 5 cl 17 requires us to take into account the purpose of the FTAA, along with the relevant RMA provisions, with the purpose of the FTAA to be given the greatest weight;
- (d) Section 83 requires:

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.

⁷⁹ *Waitakere City Council v Estate Homes Ltd* [2006] NZSC 112; and *Newbury District Council v Secretary of State for the Environment* [1981] AC 578.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Bitumix Ltd v Wellington Borough Council* [1979] 2 NZLR 57.

⁸³ *Ibid.*

⁸⁴ *Fisher v Taupo District Council* W18/95.

⁸⁵ Memorandum of Counsel for CCC responding to legal questions associated with Transportation in Appendix 1 of Minute 11 and Minute 14, 4 March 2026, paragraphs [16] and [19]; and Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, 26 February 2026, paragraph [50](b)(iii)], citing a section of the draft decision of the Expert Panel on the Sunfield Application.

- (e) Section 84A allows the imposition of conditions to ensure that infrastructure relied upon by the project is, or can be made, adequate to support the project or the relevant stage of the project and clarifies that any such condition may impose obligations only on the applicant.

- 149 There is agreement that if the Intersections are not upgraded, the Project has the potential to generate adverse transportation effects, including reductions in the level of service of the Intersections and an increased risk of traffic accidents due to the increased frequency of queues extending across the level crossing. The extent of those effects, and the parties' competing evidence regarding them, is discussed in detail in the following Transport – Intersection Upgrades section.
- 150 In Minute 14, we indicated that we were considering whether a “condition precedent” was appropriate. We described this as a condition whereby development of the Project could not proceed beyond a specified point or stage until the Intersection Upgrades had been completed (**Potential Condition Precedent**). We sought submissions on whether such a condition would be lawful.

Potential Condition Precedent – Parties' legal submissions

- 151 The Applicant submits that s 84A was enacted to “avoid front-loading burdens or recreating RMA-style preconditions, where developers were forced to wait for external agencies before any progress could occur”.⁸⁶
- 152 NZTA and CCC do not accept that characterisation. They submit that while s 84A enables approvals to be granted before supporting infrastructure has been constructed, it does not prevent us from imposing a condition precedent where such a condition is necessary to ensure that required infrastructure is adequate.
- 153 The Applicant's legal submissions highlighted the relationship between our powers to impose conditions and the purpose of the FTAA.

⁸⁶ Memorandum to the Expert Panel in partial response to legal questions associated with Transportation in Appendix 1 of Minute 11 and Minute 14, 17 February 2026, paragraph [41(c)].

154 As discussed elsewhere, the Applicant relies on unchallenged evidence from Mr Christie and Mr Inness⁸⁷ that the Application would be unlikely to proceed if the Applicant were required to:

- (a) Fund the Intersection Upgrades itself; or
- (b) Accept the risk that development could not proceed beyond a specified stage if those upgrades were not delivered.

155 Their evidence indicates that such a condition could render the Project economically unviable or significantly delay its implementation.

156 The Applicant therefore initially proposed an alternative condition which, in summary, would:

- (a) Prevent the issue of titles for Stage 1 (Lots 1-72, 400 and 401) until 31 December 2027;
- (b) Prevent the issue of titles for Stage 2 or beyond until the earlier of:
 - (i) 1 January 2029; or
 - (ii) A developer agreement being entered into with CCC and/or NZTA to facilitate the Intersection Upgrades; and
- (c) Require the Applicant to provide a financial contribution towards the cost of the Intersection Upgrades, including the rail crossing.

157 The Applicant submits that a condition cannot exceed what is necessary to manage effects, taking account to the FTAA's purpose. It says its proposed condition allows development to proceed while providing a realistic timeframe for the relevant infrastructure agencies to undertake the upgrades. It further submits that s 84A requires us to be satisfied that the infrastructure "is or can be made adequate", meaning that

⁸⁷ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 3 - Davie Lovell Smith Response infrastructure costs and timeframe, undated but supplied on 26 February 2026.

infrastructure adequacy must be feasible and achievable on the evidence, rather than speculative or fanciful.⁸⁸

158 Thus, it submits that this approach best reflects the statutory purpose of the FTAA, which is to facilitate projects delivering significant regional or national benefits, and that imposing the Potential Condition Precedent in the circumstances of this case would be more onerous than necessary for the purposes of s 83.

159 NZTA say the approach of the Applicant is wrong. This is because, where the condition is required to address the relevant impacts, a condition precedent is expressly contemplated by s 84A and may represent the least onerous method of addressing those effects. NZTA also submits that the Applicant's proposed time-based condition does not ensure that infrastructure adequacy will in fact be achieved.

160 NZTA further submits that a condition impacting the financial viability of a project would be more consistent with the purpose of the FTAA than declining an application.

161 CCC adopts a similar position to NZTA. As helpfully summarised at [4](a)-(b)] of its submissions, CCC submits that we are not limited to imposing only those conditions offered by the Applicant. Instead, we may impose any conditions addressing adverse impacts, regardless of their significance, provided that the condition:

- (a) Satisfies the usual requirements for valid RMA conditions;
- (b) Complies with s 83 FTAA; and
- (c) Where relevant, accords with s84A.

162 CCC also rejects the Applicant's argument that conditions imposed by the Panel must only address adverse impacts that are sufficiently significant to justify declining the Application. CCC submits that this argument incorrectly conflates the statutory test for declining an application under s 85 with the separate power to impose conditions.⁸⁹

Discussion

⁸⁸ Above n 86, paragraph [33].

⁸⁹ Memorandum of Counsel for CCC, above n 85, paragraphs [21] – [22].

- 163 We record our view that the purpose of a Potential Condition Precedent would be to mitigate the adverse transportation effects associated with the Project, including ensuring that the Intersections operate safely and efficiently.
- 164 We agree with NZTA and CCC that a condition precedent is lawfully available to us to impose. There is nothing in the FTAA that suggests a condition precedent cannot be imposed where it is necessary to ensure that infrastructure relied upon by the Project is adequate to support it.
- 165 The legislative history also indicates that s 84A was introduced to enable approvals to be granted subject to conditions facilitating the delivery of supporting infrastructure, including circumstances where infrastructure providers may subsequently negotiate agreements with applicants regarding the provision of infrastructure. However, we did not understand the Applicant to be arguing that condition precedents are *ipso facto* unlawful. Rather, we understood the Applicant to be submitting that, due to:
- (a) The evidence before us;
 - (b) The purpose of the FTAA; and
 - (c) The requirement in s 83 that conditions must not be more onerous than necessary,

the Potential Condition Precedent would be more onerous than necessary to address the transportation effects of the Proposal.

- 166 To determine whether that submission is correct, it is necessary to consider the proper interpretation of s 84A. We turn to that issue next.
- 167 As the parties noted, the interpretation of s 84A requires application of ordinary principles of statutory interpretation. Under s 10 of the Legislation Act 2019, the meaning of legislation must be ascertained from its text and in the light of its purpose and context.

Applicant's legal submissions

168 The Applicant submitted that:⁹⁰

It is essential that the Panel keep firmly in mind that the FTAA establishes a distinct legal framework. It is intended to provide an alternative and more flexible approvals pathway, enabling projects that deliver significant regional or national benefit, particularly where such development may not have been anticipated under traditional planning instruments and any consent application may have been declined were it determined under the RMA.

169 This proposition, or admonishment, underpinned the Applicant's submissions on s 84A. When analysing the text of s 84A, the Applicant submitted that the term "ensure" requires that infrastructure adequacy be feasible and achievable, rather than speculative or fanciful. In that sense, it submitted that we can "ensure" that infrastructure "is or can be made adequate" provided that the evidence establishes that such adequacy can realistically be achieved. Counsel confirmed that this is ultimately an evidential inquiry.

170 The Applicant goes on to submit that the FTAA anticipates that developments may proceed "out of sequence" with existing infrastructure planning, and that (we presume) infrastructure providers may therefore need to reconsider their priorities. Otherwise, reliance on external agencies to undertake works could stymie progress on projects delivering significant regional or national benefits. On that basis, the Applicant submitted that s 84A was enacted as a forward-looking enabling "tool" which clarifies that conditions must be no more onerous than necessary under s 83. In its submission, the provision achieves this by allowing "applicant-focused conditions, without imposing pre-build or third-party-dependent hurdles that would undermine the fast-track regime's very purpose".⁹¹

171 The Applicant therefore submitted that approvals granted under the FTAA should not be delayed by the decisions or priorities of infrastructure providers, as those matters are outside of the control of an applicant. In its submission, a condition that effectively requires reliance on third-party infrastructure delivery could be unduly onerous, particularly where it risks rendering a project unable to proceed and thereby futile.⁹²

⁹⁰ Above n 86, paragraph [6].

⁹¹ Ibid, paragraph [42].

⁹² Ibid, paragraph [34].

NZTA's legal submissions

- 172 NZTA agreed with the Applicant that s 84A allows approvals to be granted where Infrastructure Upgrades are not yet fully designed, funded or sequenced.
- 173 However, NZTA submitted that the word “ensure” is a strong verb with a settled legal meaning of “to make certain”.⁹³ In its submission, the Applicant’s interpretation effectively re-casts the term to mean “make possible”. NZTA advanced what it described as a plain interpretation of s 84A, under which the provision enables us to set conditions that secure the required outcome (namely, the delivery of built or upgraded infrastructure) with certainty.
- 174 On that approach, NZTA characterised s 84A as allowing projects to be approved conditionally ahead of supporting infrastructure, provided that the associated impacts can be appropriately addressed through conditions. It submitted that, in some circumstances, a condition precedent may represent the least onerous method of ensuring that the infrastructure relied upon by the Project is adequate to support it.⁹⁴

CCC's legal submissions

- 175 CCC submitted the natural and ordinary meaning of “ensure” is to make something certain to happen. Its counsel submitted that s 84A enables approvals to be granted subject to conditions addressing the subsequent provision of infrastructure and agreed that the word “can” does not require the Panel to be certain that upgrades are guaranteed, funded or imminent at the time of its assessment. However, CCC differs from the Applicant in that counsel submits that s 84A supports the imposition of a condition precedent where necessary. On this view, a panel may impose conditions to address any adverse impact, regardless of its significance, and an impact need not be “out of proportion” to the project’s benefits before a condition may be imposed.
- 176 The distinction drawn by CCC is that approvals need not be delayed by uncertainty associated with the third-party delivery, timing or funding of infrastructure, but that the progression of the project itself may be delayed by conditions if the required

⁹³ Citing *Yaldhurst Quarries Joint Action Group v Christchurch City Council* [2017] EnvC 165, paragraph [46].

⁹⁴ That is, as noted above, a condition impacting the financial viability of a project would be more consistent with the purpose FTAA than declining an application.

infrastructure is not yet in place. CCC cited the draft decision in the Sunfield application⁹⁵ as an example of how s 84A is intended to operate. In that case, the Panel accepted it could impose a condition under which the applicant bore the risk of being unable to reach an agreement with the three waters infrastructure provider, with the consequence that the project could not proceed if those services were unavailable.

177 Finally, all parties drew on the legislative history of s 84A to support their respective interpretations. In doing so, they often relied on the same passages from the legislative history but contended that those materials support different conclusions.

Discussion - Panel's interpretation of s 84A

178 We agree with NZTA's submission that the word "ensure" is a strong verb that ordinarily means "to make certain".

179 We find that:

(a) "Can" is a verb meaning "to be able to"; and

(b) "Is" is the present tense of the verb "to be".

180 However, those terms must be interpreted within the full statutory phrase "is or can be made adequate". In our view, the structure of that phrase is significant. It recognises two potential circumstances: first, that infrastructure may already be adequate ("is"); and secondly, that infrastructure may not yet be adequate but is capable of being made so ("can be made"). The provision therefore expressly contemplates situations where infrastructure upgrades have not yet occurred at the time the Panel makes its decision.

181 The three parties cite Hansard debates and references to the Delmore application⁹⁶ in those debates. Legislative history, including changes made to bills, speeches made in the House, and Cabinet papers, may be used as interpretive aids when interpreting legislation. Given the common ground that s 84A was enacted in response to the draft decision in Delmore, we briefly refer to that decision.

⁹⁵ Sunfield [FTAA-2503-1039], 10 March 2026. That decision has since been finalised and, as we understand it appealed and is at an early stage in that process.

⁹⁶ Delmore [FTAA-2502-1015], 17 September 2025 (Withdrawn).

182 Delmore was an application for approvals for a residential development on the outskirts of Auckland. Auckland Council and Watercare were s 53 commentators and raised concerns about the availability of three waters infrastructure. As we understand it, in short, the issue was that Watercare did not have any upgrades programmed that could connect the Delmore development to the wider water supply and wastewater networks and, even if it could, the downstream capacity of the network was insufficient to accommodate it. Among other matters, this led to a draft decision declining the approvals sought. The application was subsequently withdrawn.

183 During the Parliamentary debate on the Amendment Act (at that stage a Bill), the Hon Chris Bishop stated:

... if the infrastructure's not there then, as the Delmore decision finds, that is an adverse effect that can be taken into account... However, we have also made the amendments around ... conditional approvals based on the infrastructure. That is also a direct response to Delmore.

184 We interpret the Minister as signalling that s 84A was enacted to guide decision-makers in a different direction to the outcome indicated in the Delmore draft decision. However, the factual circumstances of the Delmore proposal differ from those before us, and we derive only limited assistance from those statements when interpreting the provision. The main difference being that the infrastructure in the Delmore proposal was onsite infrastructure that needed to be in place for the development to proceed. That is, without the three waters facilities the development could not occur. By contrast, this Application can proceed without resolving the differences between the parties on the contribution the Applicant should make to upgrades to the Intersections that may be required to mitigate or remedy effects on the Intersections from increased traffic arising from the Proposal. The question is one of the effects of doing so.

185 As noted, we were also referred to the Sunfield decision,⁹⁷ which was also required to apply s 84A FTAA. We found that decision very helpful with forming our analysis and views. However, the factual context there is also materially different. In Sunfield, the developer offered a condition requiring it to seek a developer agreement with Watercare to provide upgraded public water supply and wastewater infrastructure to the site boundary. If agreement could not be reached, the lots would lack public water and

⁹⁷ Above n 95.

wastewater services and would therefore be unserviced and likely unsellable. The developer accepted that as routine development risk.

186 Here, if the Applicant fails to enter into a developer agreement with the Transport Agencies, that does not prevent the lots being connected to the road network or preclude traffic from using the surrounding roads. In that sense, there is no equivalent commercial imperative on the Applicant to reach an agreement to have a saleable product. The subdivision and subsequent development are not, of themselves, prevented by the absence of the Upgrades.

187 Of greater assistance is the Applicant's observation that between the first and second readings of the Amendment Act (Bill), the clause that became s 84A was amended. It initially read:

... ensure that the infrastructure in the project area or other infrastructure the project will rely on is or will be made adequate to support ... [Our emphasis]

188 This clause was changed to:

... ensure that the infrastructure in the project area or other infrastructure the project will rely on is or can be made adequate to support ... [Our emphasis]

189 The Applicant submits that this amendment supports its position that the statutory threshold has shifted from requiring certainty that infrastructure will be provided, to requiring the Panel be satisfied that infrastructure can feasibly be made adequate. On that view, we need not be satisfied that infrastructure upgrades are guaranteed, funded, or imminent.

190 We consider the deliberate nature of that amendment to be persuasive. The change from "will be made" to "can be made" indicates that Parliament intended to broaden the circumstances in which approvals may be granted. In particular, the amended wording recognises that infrastructure adequacy may depend on actions yet to occur.

191 In our view, the amendment also reflects the practical reality that infrastructure delivery is frequently undertaken by third-party providers whose investment programmes may not align with the timing of fast-track developments. The wording of s 84A therefore accommodates circumstances where infrastructure upgrades may occur after approval is granted, provided the Panel is satisfied that those upgrades are realistically capable of being delivered.

- 192 In that light, the word “ensure” can properly be read as requiring us to be “certain” or satisfied that there is a credible infrastructure solution available. It does not require certainty that the relevant infrastructure will be in place at the time we make our decision.
- 193 This interpretation is reinforced by s 84A(3), which clarifies that conditions imposed under the section may impose obligations only on an applicant. We therefore cannot compel a third-party infrastructure provider to design, fund, or construct infrastructure. The statutory scheme instead contemplates conditions that operate on an applicant, including conditions that regulate the timing or staging of development until the relevant infrastructure becomes available.
- 194 While we agree that a condition precedent is lawful in principle, we have difficulty with interpretations that treat the alternatives “is” and “can be made” as effectively synonymous, both meaning that infrastructure “will” be provided. In our view, such an interpretation would diminish the significance of Parliament’s deliberate choice of language.
- 195 However, our analysis does not stop there. As the Applicant submitted, we must undertake an evidential inquiry that takes into account the broader statutory framework governing condition-setting to determine whether the Potential Condition Precedent would be more onerous than necessary under s 83, in light of the discretion under the FTAA to impose such a condition and the purpose for which it would be imposed. In particular:
- (a) Section 83 requires that conditions be no more onerous than necessary to address the reason for which they are imposed; and
 - (b) Schedule 5 cl 17 requires us, when applying the decision-making criteria for resource consents, to give the greatest weight to the purpose of the FTAA.
- 196 Counsel for the Applicant submitted that the FTAA tightens the scope for condition-setting by requiring what was described as a “dual inquiry”:⁹⁸

⁹⁸ Above n 86, paragraph [28].

The FTAA therefore tightens the scope for condition-setting by requiring a dual inquiry — first, that the condition is directly connected to the Applicant's effects. Second, that it does not exceed what is necessary to manage those effects taking account and giving the most weight to the Act's purpose, i.e. in circumstances where a condition can impact the delivery of a project and/ or impact a projects regional or national significance the Panel is limited to exercising its discretion to only to imposing conditions that address adverse impacts that are sufficiently significant to be disproportionate to the regional/ national benefits. [Our emphasis].

- 197 As noted in our earlier analysis of s 84A, CCC submits that this argument conflates the statutory threshold for declining an application under s 85 with the separate statutory power to impose conditions. We agree. In our view, the Applicant's submission imports into the condition-setting framework a threshold that the Act applies only when determining whether an approval should be declined.
- 198 Clause 17 of Schedule 5 requires us, when determining whether to grant an approval and what conditions should be imposed, to give the greatest weight to the purpose of the FTAA. However, it does not require us to test each proposed condition against the threshold in s 85(3)(b), nor to establish that the adverse impacts addressed by conditions are "sufficiently significant" to be out of proportion to the Project's regional or national benefits. Rather, the statutory scheme contemplates that conditions may be imposed to manage the adverse effects of a project, while giving appropriate weight to the purpose of the Act.
- 199 In this regard, we are mindful of the Court of Appeal's findings in *Enterprise Miramar*, which emphasise that although the purpose of the FTAA must be given the greatest weight, it cannot be applied in isolation or at the expense of proper consideration of the other matters listed in cl 17. In our view, the continuing relevance of the RMA framework, including the management of adverse effects, confirms that we retain jurisdiction to impose conditions directed to avoiding, remedying or mitigating those effects.
- 200 If the Applicant's submission is instead understood as saying that a condition must not be inconsistent with the purpose of the FTAA, that proposition can be accepted at a general level. However, the consistency of conditions with the statutory scheme must be assessed through the specific provisions governing conditions (including ss 83 and 84A) and, if relevant, the decline threshold in s 85. It does not follow that the purpose

of the Act operates as a separate or overriding test that must be satisfied by each individual condition that has not been volunteered by the Applicant.

- 201 Therefore, our task is not limited to determining whether a particular condition is legally available (in the sense of the well-known RMA tests), but also whether the condition represents the least onerous and most appropriate mechanism for addressing the relevant adverse effects while still giving effect to the purpose of the Act.
- 202 That said, overall, given the parties agree that the Proposal may generate adverse transportation effects in the absence of the Intersection Upgrades, the issue may practically be viewed through the proportionality assessment required by s 85. While CCC's submission that the Applicant may be conflating the s 85 threshold for declining an application with the separate power to impose conditions has some force, the obligation under Schedule 5 cl 17 to take account of, and give priority to, the purpose of the Act is significant and remains an important consideration.
- 203 We also observe that s 81(4) requires us to consider the extent of the Project's regional or national benefits. Those benefits may be materially affected if we accept the Applicant's evidence (including Mr Christie's evidence that without certainty the Project will proceed past Stage 1 it may not proceed).
- 204 We must therefore consider any conditions that may be imposed, including the condition proposed by the Applicant that controls the release of development stages after Stage 1. As part of that assessment, we will need to identify and analyse any residual transportation effects that may arise if the Intersections are not upgraded within the anticipated timeframe.
- 205 Finally, we accept the Applicant's submission that we may only refuse the approvals if we form the view that any remaining adverse impacts are sufficiently significant to be out of proportion to the Project's regional benefits (s 85(3)(b)), even after taking into account the conditions that may be imposed.

Transport – Intersection Upgrades

- 206 We now turn to the transportation effects of the Proposal in relation to the Intersections, together with the KiwiRail Main Trunk railway level crossing located between them. In this part of the decision we discuss the impact of the Proposal on (for clarity) the Intersections and consider the application of s 84A of the FTAA, including the question

of whether the Applicant should contribute to the cost of any upgrades to those Intersections. This assessment forms part of our evaluation of the wider transportation effects of the Project. While many transportation effects (or impacts) associated with the Project are either uncontested or have been resolved through agreement between the parties, a key issue remains unresolved. That issue is whether upgrades to the Intersections are required and, if so, who should be responsible for implementing and funding those upgrades.

207 The remaining transportation issues, including those arising from the comments of the property owners near the Site are addressed in the next section.

208 Before addressing those questions, we set out the relevant transportation context, including the level of service of the surrounding network and trip generation. Later sections addressing transportation effects rely on that contextual information.

Transportation context

209 The Applicant commissioned an ITA prepared by Novo Group in support of the Application.⁹⁹ The ITA assesses the effects of the Proposal on the wider transport network using strategic network modelling¹⁰⁰ and, following consultation with NZTA in June 2025, further SIDRA modelling of queuing and intersection performance at specific locations.¹⁰¹

210 As discussed in Part B, the immediate transportation environment comprises Pound, Barters, Waterloo, and Hasketts Roads, which link to the wider Christchurch transport network via State Highways 1 and 73. The KiwiRail Main Trunk rail corridor runs broadly parallel to SH1 in the vicinity of the Site.

211 Pound and Waterloo Roads have moderate to high traffic volumes and serve heavy industrial traffic. Pound Road functions as a Minor Arterial Road, providing a key connection between SH1 and Waterloo Road. Waterloo Road is classified as a Collector Road, while Barters and Hasketts Roads are rural roads with lower traffic volumes.

⁹⁹ AEE, Appendix 10 - ITA, 10 July 2025.

¹⁰⁰ Ibid, Appendix 5 of Appendix 10.

¹⁰¹ Ibid, Appendix 13 of Appendix 10.

215 The basic functioning of the Intersections is described in the AEE as follows:¹⁰³

A level railway crossing is located on Pound Road between Waterloo Road and Main South Road (SH1), the crossing includes barrier arms and signals. The Pound Road / Waterloo Road and Pound Road / SH1 intersections are linked traffic signals encompassing the rail crossing.

216 Responsibility for the Intersections is shared between different Transport Agencies. In broad terms:

- (a) The Pound Road / SH1 intersection is jointly managed by NZTA and CCC;
- (b) The Pound Road / Waterloo Road intersection is solely managed by CCC; and
- (c) The rail level crossing is operated by KiwiRail on a CCC-controlled road.

Effects on the existing strategic transport network

217 When fully developed (anticipated around 2038), the Project is predicted to generate approximately 922 heavy vehicle movements per day, with most of that traffic expected to use Pound Road.¹⁰⁴

218 The ITA states that the road network in the vicinity of the Site is operating satisfactorily, with lower levels of service in the morning and afternoon peak hour for the Pound Road approach to SH1. The modelling further indicated that, with background traffic growth but without the Project, the Intersections would continue to operate within acceptable levels of service through to 2038.¹⁰⁵

219 The key impacts identified by the Applicant arising from the Project's traffic generation include:¹⁰⁶

¹⁰³ AEE, paragraph [61].

¹⁰⁴ AEE, Appendix 10 - ITA, paragraph [69].

¹⁰⁵ AEE, Appendix 13 of Appendix 10 - ITA, tables 3.2 and 3.3 showing delay level of service D and tables 3.4 and 3.5 showing degrees of intersection saturation below 0.9.

¹⁰⁶ AEE, Appendix 10 - ITA, paragraphs [76], [79], [85] and [94].

- (a) Exacerbating the existing operation of the SH1/SH73¹⁰⁷ intersection, with increases in travel times of between 3 and 25 seconds at peak times;
- (b) Increased queueing across the rail corridor and Pound Road;
- (c) Exacerbating an emerging intersection capacity issue at SH1/ Marsh's Road; and
- (d) An increase in travel times along the Pound Road corridor of up to 33 seconds.

220 The Applicant considers that these increases in travel times along the SH1 and Pound Road corridors are acceptable within the context of the wider transport network.

221 However, the modelling also indicates that, once the Project is fully developed, capacity and queuing effects are likely to arise at the Intersections. The Applicant's position is that such effects are likely to occur over time due to background growth within the network, even in the absence of the Project. In the ITA, Mr Fuller, the Applicant's transport engineer, stated that without upgrades and with the Project fully developed, significant adverse capacity and queuing effects were likely to occur at the Intersections by 2031.¹⁰⁸ Mr Fuller also noted that queueing across the rail corridor is an existing concern that already warrants consideration of an upgrade.¹⁰⁹

222 Subsequently, in a memorandum dated 24 February 2026, Mr Fuller revised his assessment, describing those impacts as "potentially significant" rather than significant.

Intersection performance modelling

223 We have closely examined the modelling contained in the ITA, including the SIDRA traffic modelling. That modelling indicates that, in the absence of the Project, the maximum degree of saturation at the Intersections would remain below 0.9 (a measure of intersection performance) through to 2038.¹¹⁰ The same modelling of performance

¹⁰⁷ The SH73 intersection is a few kilometres north of the Site.

¹⁰⁸ AEE, Appendix 10 - ITA, Executive Summary and paragraphs [79] and [114].

¹⁰⁹ Ibid, paragraph [19].

¹¹⁰ AEE, Appendix 13 of Appendix 10 - ITA, Tables 3-4 and 3-5.

shows a delay at the Intersections no worse than a Level of Service D over that period. We shall return to this finding and explain its significance.

Timing of Intersection Upgrades

- 224 The Applicant's modelling indicates that with the Project proceeding:¹¹¹
- (a) Upgrades to the Pound Road / SH1 intersection would likely be required by 2030-2031 (approximately 30% of the Project's potential traffic demand); and
 - (b) Upgrades to the Pound Road / Waterloo Road intersection would likely be required by 2033-2034 (approximately 60% of the Project's potential traffic demand).
- 225 The Applicant's position is that queuing across the rail corridor is an existing concern that warrants consideration of an upgrade and that while their advisor recommends the Upgrades to mitigate the effects of the Project, undertaking the recommended Upgrades is outside of their control. Thus, it does not propose to undertake those Intersection Upgrades itself. Instead, it proposes that the Upgrades be delivered by CCC and NZTA effectively at a time of their choosing, with the Applicant making a financial contribution proportionate to the additional traffic generated by the Project.
- 226 To address timing issues, the Applicant proposes a condition deferring the release of titles to allow time for planning and construction of the Intersection Upgrades.

Nature of the proposed Intersection Upgrades

- 227 Subject to detailed design, there is general agreement between the parties regarding the form of the Upgrades required at the Intersections.
- 228 In summary, the Intersection Upgrades involve:
- (a) Construction of an additional right-turn lane from Pound Road onto SH1; and

¹¹¹ AEE, Appendix 10 Addendum – Transport response to commissioner queries, 2 October 2025, paragraph [10].

- (b) Construction of an additional southbound lane on Pound Road approaching Waterloo Road.

229 The proposed configuration is illustrated in Figure 4 (Intersection Upgrades) below.

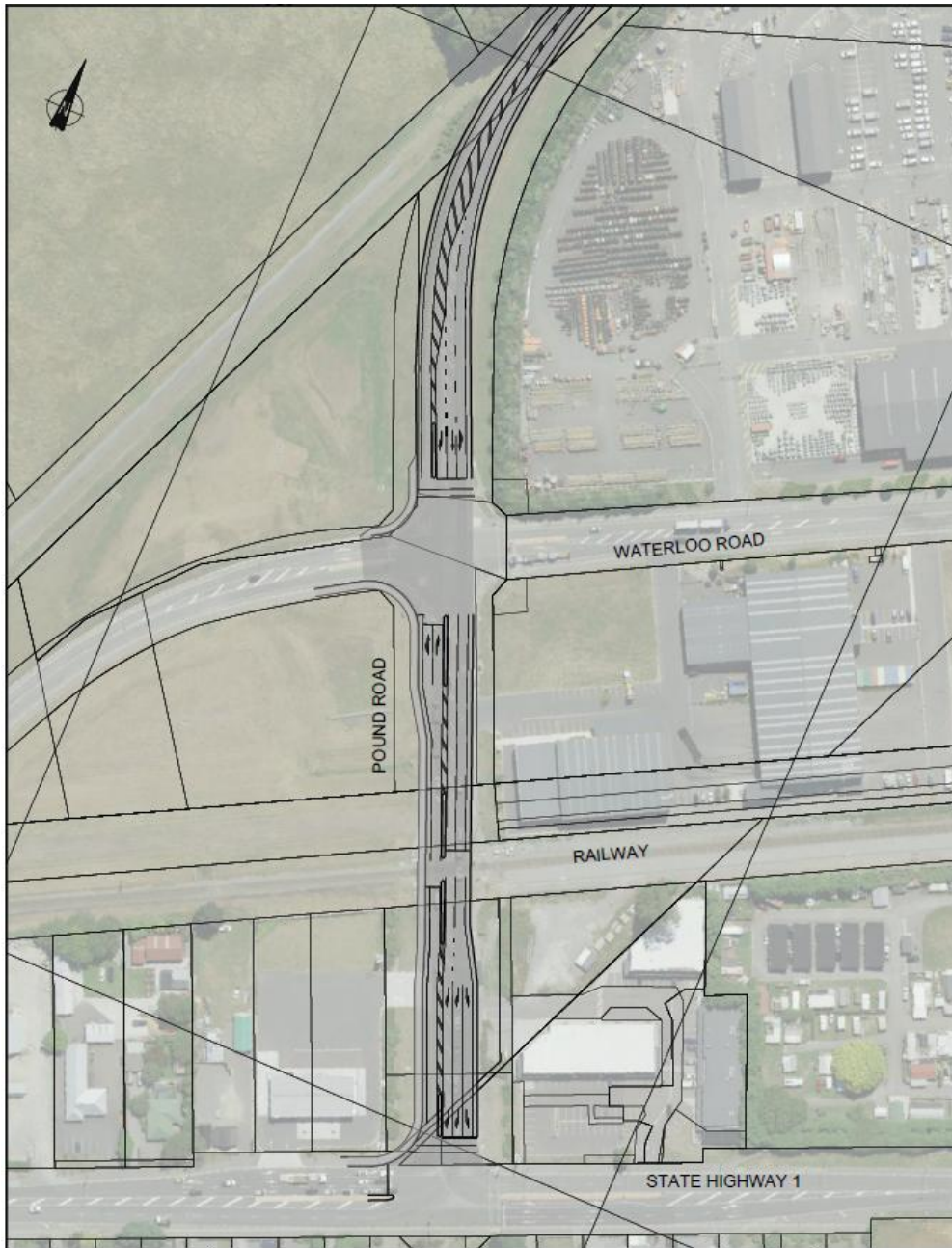


Figure 4 - Intersection Improvements¹¹²

¹¹² Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Attachment 3 of Appendix 4 - Transport response, 27 November 2025, pg. 52 (with road names added by Panel).

230 The transport evidence indicates that the Intersections are likely to require capacity upgrades in the future due to general growth in the surrounding transport network. However, the modelling suggests that traffic generated by the Project would bring forward the timing of those upgrades by approximately three to five years.¹¹³ We return to the implications of that timing later in our analysis.

Section 53 comments received

231 Comments were received from CCC in its planning assessment and in the evidence of Mr Peter Rodgers, traffic engineer for CCC.

232 Mr Rodgers considered that there are a number of uncertainties and project risks associated with mitigating the effects of the Project on the Intersections. In his opinion, the Intersection Upgrades are required, and the scale of effects would not be acceptable without them. He suggested that this could be addressed by a condition precedent preventing development proceeding beyond a specified stage until the relevant intersection and capacity upgrades had occurred.¹¹⁴

233 CCC's position was based on the following:¹¹⁵

- (a) CCC has no current plan to undertake capacity improvements at the Intersections, and there is therefore no provision for them in the Council's Long-Term Plan capital programme; and
- (b) Because CCC has not included the Intersection Upgrades in its Long-Term Plan, they do not appear as growth projects in the Development Contributions Policy schedule of capital expenditure for assets. Funding cannot therefore be sourced from development contributions.

234 Mr Rodgers also considered that the Application indicates that approximately 30 - 40% of the traffic using Pound Road in 2038 would be directly attributable to the Project.

235 NZTA commented that there were unanswered questions, including in relation to:

¹¹³ AEE, Appendix 5 of Appendix 10 - ITA, paragraph [1.16].

¹¹⁴ Section 53 Comments by CCC, Appendix 6 – Evidence of Peter Rodgers, 31 October 2025, paragraphs [84] - [87].

¹¹⁵ Ibid, at paragraphs [76] and [77].

- (a) The implications of the Project on the capacity of the Pound Road / SH1 intersection;
- (b) The potential need to account for higher heavy vehicle volumes within the ITA; and
- (c) The compounding effects of queueing across the wider network.

236 Substantively identically to CCC, NZTA sought staging of the Project to manage its effects on the Intersections until funding arrangements were in place and the required Intersection Upgrades had been implemented.¹¹⁶

237 NZTA also considered that the ITA and the Intersection Upgrades as initially presented in the Application lacked sufficient supporting modelling and detailed design to confirm their form, function and spatial feasibility.¹¹⁷

238 Although not raised in its s 53 comments, NZTA advised that it is undertaking a Strategic Transport Plan for SH1 and Hornby. An expression of interest for that project had been issued in October 2025, and the study is expected to take approximately one year. We were advised that the scope of that work included the Pound Road / SH1 intersection. NZTA explained that this strategic transport planning forms part of its planning and investment framework and it is intended to identify a robust and stable long-term direction for addressing transport challenges over time, with subsequent prioritisation and project development then following from that work.

239 KiwiRail commented that a condition should be imposed requiring the Applicant, prior to the commencement of construction activities, to obtain a LCSIA in relation to any level crossings that will be impacted by the Proposal.

Applicant response to comments

240 The Applicant provided further material in response to the transport issues raised by CCC and NZTA.¹¹⁸ During the first suspension period, it assessed the feasibility of the Intersection Upgrades, including by testing turning circles for large vehicles, and held

¹¹⁶ Section 53 Comments by NZTA, 4 November 2025, paragraphs [3.15] and [3.16].

¹¹⁷ Ibid, paragraph [3.10].

¹¹⁸ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 4 - Transport Response, 18 December 2025.

discussions with NZTA. The Applicant advised that agreement had been reached that the modelling parameters were acceptable, that the Intersection Upgrade concept was an acceptable means of mitigating the relevant impacts, and that there was sufficient land available for those works. The Applicant advised that the remaining matters in dispute were:¹¹⁹

- (a) Whether the Applicant or the CCC should be responsible for Upgrades to Barbers Road and Hasketts Road opposite the Site;
- (b) Whether CCC should contribute to the cost of the shoulder widening on Pound Road along the Site frontage;
- (c) Whether a shared path was required along Pound Road between the proposed Site access roundabout and the Pound Road / Waterloo Road intersection;
- (d) The timing and funding of the Intersection Upgrades; and
- (e) Whether a LCISA was required before development occurred on the Site.

241 The Applicant advised that discussions with CCC and NZTA had been ongoing, but that agreement had not been reached on the funding and timing of the Intersection Upgrades. It therefore proposed an amended staging condition for the release of titles, under which:

- (a) Titles for Stage 1 could not be released before 31 December 2027; and
- (b) Titles for the remaining stages could not be released before 1 January 2029, unless agreement was reached earlier.

242 The same proposed condition also stated that the Applicant would “provide a contribution toward the construction of the Intersection Upgrades on the basis of the traffic generated through the Intersections submitted with the Application and included in the ITA”. However, the proposed condition did not specify any mechanism by which

¹¹⁹ Memorandum in response to minute 3 of the Expert Panel, 19 December 2025, paragraph [16].

that contribution would be secured or enforced once the subdivision consent had been exercised and/or the new lots sold.

243 The Applicant also proposed resource consent conditions requiring the design and construction of the Intersection Upgrades to follow standard CCC processes and comply with the requirements of the IDS.

244 In relation to KiwiRail's request, the Applicant considered that an LCSIA was not required because the relevant issues would be addressed through the design of the Intersection Upgrades.

Further comments and response following the Applicant's comments

245 Further comments were received from NZTA and CCC in response to Panel Minute 8 on 20 January 2026. The parties agreed that the transport matters identified by the Applicant were the outstanding matters requiring resolution.

246 KiwiRail advised that it had sought an LCSIA to understand both the longer-term traffic effects arising from the Project and the shorter-term construction effects, but that it would defer to CCC as to when such an assessment should be required.

247 Further discussions occurred between the Applicant and the Transport Agencies in late January and early February 2026. That engagement led to confirmation that Stage 1 of the Project could occur without significant adverse impacts on the Intersections. It was also again confirmed that there was general agreement as to the nature of the Intersection Upgrades, the key feature being the provision of two right-turn lanes from Pound Road southbound onto SH1.¹²⁰

248 As already recorded, we held a conference on 5 February 2026 to address the outstanding transportation issues. In advance of that conference, we identified a series of questions and topics for discussion and directed that supporting information be provided.¹²¹ The conference addressed several outstanding transportation issues, but focussed primarily on the Intersections.

¹²⁰ Memorandum to the Panel in response to Minute 12, 3 February 2026.

¹²¹ Minute 11 of the Expert Panel, 23 January 2026.

249 At that conference, the Applicant and KiwiRail advised that they had resolved matters between them and had agreed conditions addressing the impacts of the level crossing.

250 We summarised the key outcomes of the transport conference in Minute 14, together with the further submissions and information requested. The principal issues identified for further response were:

- (a) Legal submissions on the power to impose conditions under ss 83 and 84A FTAA;
- (b) Economic evidence on the impact of a condition precedent on delivery of the significant regional benefits of the Project;
- (c) Evidence on the commercial viability of the Project by stage, including if a condition precedent were imposed;
- (d) The significance of impacts on the strategic transport network;
- (e) Whether there were interim or partial solutions; and
- (f) Whether we could impose conditions on only in relation to significant adverse impacts.

251 The Applicant responded on 27 February 2026. In summary, it was said that the Project might not proceed due to financial constraints unless the Applicant had certainty that all stages could proceed. The evidence stated the Project would reach break-even at some point during Stage 3. That evidence was not challenged by any party.

252 The Applicant also provided further economic evidence on the disbenefits or costs of the Project proceeding without the Intersection Upgrades in place, including an attempt to monetise some of those disbenefits for the purpose of a cost-benefit analysis. We address that evidence in Part G when discussing the significance of the regional benefits.

253 NZTA and CCC were given an opportunity to respond. NZTA provided legal submissions on 27 February 2026. CCC provided legal submissions and transport evidence on 4 March 2026. NZTA also provided evidence on transport, safety and planning evidence on 4 March 2026.

- 254 The Applicant elected not to file any further evidence or submissions in reply.
- 255 In accordance with s 70 the Applicant and NZTA then provided comments on the draft conditions proposed by the Panel. We address those comments relevant to this section in our findings below.

Panel findings

- 256 The Intersection Upgrades are a vexed issue that have occupied the largest amount of our time.
- 257 To assist the structure of our analysis, we have identified the following questions:
- (a) Question 1: What is the significance of impacts on the Intersections?
 - (b) Question 2: Are the proposed Intersection Upgrades appropriate to mitigate the impacts of the increased traffic demand generated by the Project?
 - (c) Question 3: Are there interim or partial solutions capable of mitigating those impacts?
 - (d) Question 4: When do the Intersection Upgrades need to be implemented to mitigate impacts?
 - (e) Question 5: Is there sufficient certainty that the Intersection Upgrades will occur / can occur?
 - (f) Question 6: If the Applicant is to contribute to the cost of the Intersection Upgrades, what is the appropriate proportion of that contribution?
 - (g) Question 7: What conditions, if any, should be imposed, and why?

Question 1: What is the significance of impacts on the Intersections?

- 258 In the ITA accompanying the Application, Mr Fuller stated that, without the Intersection Upgrades, and with the Project fully developed, significant adverse capacity and

queuing effects were likely to occur at the Intersections by around 2031, that being approximately the end of Stage 1.¹²² The Executive Summary of the ITA states:

We consider that the proposed activity is expected to have acceptable and no more than minor transport effects, based on the suggested upgrades to the Pound Road / Waterloo Road / SH1 intersections being undertaken prior to 2030 / 2031. Without the suggested mitigation being constructed with the full development in 2038, the effects at those intersections are likely to be significant.

259 As noted earlier, Mr Fuller subsequently revised his opinion in his memorandum of 24 February 2026, changing his description of the relevant safety and capacity effects from “significant” to “potentially significant”. He identified two principal issues:

- (a) An increased risk of fatal / serious crashes on the Pound Road rail crossing as a result of the development and congestion at these intersections, which he described as a “low probability” risk; and
- (b) A deterioration in intersection performance in terms of delay, congestion and level of service.

260 Mr Fuller considered that, by the end of Stage 2, Intersection operation remained acceptable in the AM peak, although the right-turn from Pound Road to SH1 exceeded the 0.9 degree of saturation threshold, albeit at Level of Service E. By the end of Stage 3, he considered that the Intersections would be operating over capacity in both the AM and PM peaks. In particular:

- (a) The right turn out of Pound Road onto SH1 would be over capacity in both the AM and PM peaks, operating at Level of Service F by 2038; and
- (b) The right-turn from SH1 into Pound Road would be over capacity in the PM peak.

261 CCC’s position was that increased traffic through the Intersections would arise from a number of sources in addition to the Project, including airport-related development and general background growth. Nonetheless, Mr Rodgers considered that, without the

¹²² AEE, Appendix 10 – ITA, Executive summary and paragraphs [79] and [114].

Intersection Upgrades, the Project would result in notable adverse capacity and safety effects, and that those adverse effects were expected to be significant.¹²³

262 By contrast, Mr Turay and Mr Johnston (both for NZTA) identified the effects as becoming significant at Stages 3 and 4 of the Project. Mr Turay considered that, by completion of Stage 3, without the Intersection Upgrades, both Intersections would be over capacity during peak periods, with some arms of the Intersections having a degree of saturation greater than 0.9 and operating at Level of Service F.¹²⁴ He described that as a significant operational failure of the strategic road network. Mr Johnston likewise considered that, after Stage 3, the relevant right-turn movements would deteriorate to Level of Service F.¹²⁵

263 Mr Turay disagreed with Mr Fuller's amended view as to significance. He noted that no new modelling had been undertaken that would justify a change in assessment and, in his opinion, the "transport efficiency effects of the development, without the Intersection Upgrades, are significant".¹²⁶ Mr Turay also stated that NZTA's position is "that Level of Service F on strategic arterials in the Hornby Corridor is a problem to be addressed through investment," and that by Stage 3 the Project was clearly generating adverse effects requiring mitigation.

264 We find that, without the traffic generated by the Project, the existing and future operation of the Intersections remains generally acceptable. We reach this view because the modelling indicated that, through to 2038, the degree of saturation remains below 0.9 and the operation does not deteriorate beyond Level of Service D. In our view, that is materially consistent with the present position and does not reach NZTA's trigger for "investment" at the Pound Road / SH1 intersection. Although CCC did not expressly identify an equivalent threshold for Pound Road / Waterloo Road intersection, the integrated nature of the Intersections means that, in practical terms, any required Intersection Upgrades would likely occur contemporaneously.

265 However, the operation of the Intersections deteriorates as the Project proceeds and additional traffic is generated. For the reasons discussed further below, we find that,

¹²³ Above n 114, paragraphs [71] and [74].

¹²⁴ Brief of Evidence by Haroun Turay for NZTA, 4 March 2026, paragraph [5.3].

¹²⁵ Brief of Evidence of Roy David Johnston for NZTA, 4 March 2026, paragraph [5.2].

¹²⁶ Above n 124, paragraphs [6.6] and [7.3].

without the Intersection Upgrades, the effects of the Project on the Intersections become significant from Stage 3, by reason of the deterioration in their effective functioning anticipated at that stage of development.

Question 2: Are the proposed Intersection Upgrades appropriate to mitigate the impacts of the increased traffic demand generated by the Project?

266 We have already recorded that the parties are broadly agreed that the proposed Intersection Upgrade design is appropriate in principle. We have no basis to depart from that position and find accordingly.

Question 3: Are there interim or partial solutions capable of mitigating the impacts?

267 We considered whether the Intersection Upgrade concept could be divided into independent stages, with the Applicant solely responsible for undertaking particular parts, broadly in proportion to the impacts generated by the Project. We requested advice from the parties on that issue, and two potential options were examined.

268 The Applicant and NZTA both commented on those options and agreed that the operation of the Intersections is integrated, such that interim or partial solutions would not be appropriate. We accept that position and do not take that issue further.

Question 4: When do the Intersection Upgrades need to be implemented to mitigate impacts?

269 Given the level of impact, no party objected to Stage 1 of the Project occurring before the Intersection Upgrades are implemented, and we find accordingly.

270 We have considered the timing of the Intersection Upgrades by reference to when the traffic effects on the Intersections are expected to arise. The Applicant provided a memorandum¹²⁷ that assists in understanding the change in peak-flow traffic volumes over time. That material records that the Project is predicted to increase peak-flow traffic through the Intersections by approximately:

- (a) 6% in 2030;

¹²⁷ Memorandum to the Expert Panel enclosing the Applicant's response to the Panel's questions set out in para [4] of Minute 10, 26 January 2026, Table 1.

- (b) 12% by 2033;
- (c) 17% by 2036; and
- (d) 20% by 2038.

271 We reproduce that table below.

Table 1: Intersection Traffic by Stages

Stage	Intersection	Period	Baseline	With Development	Development Traffic %
Stage 1 (2030)	SH1 / Pound Road	AM Peak	2,401	2,532	5%
		PM Peak	2,649	2,779	5%
	Pound Road / Waterloo Road	AM Peak	1,747	1,861	7%
		PM Peak	1,750	1,854	6%
	Combined	-	8,547	9,026	6%
Stage 2 (2033)	SH1 / Pound Road	AM Peak	2,412	2,647	10%
		PM Peak	2,642	2,892	9%
	Pound Road / Waterloo Road	AM Peak	1,790	2,062	15%
		PM Peak	1,792	2,041	14%
	Combined	-	8,636	9,642	12%
Stage 3 (2036)	SH1 / Pound Road	AM Peak	2,504	2,838	13%
		PM Peak	2,632	3,008	14%
	Pound Road / Waterloo Road	AM Peak	1,855	2,267	22%
		PM Peak	1,855	2,226	20%
	Combined	-	8,847	10,339	17%
Stage 4 (2038)	SH1 / Pound Road	AM Peak	2,566	2,941	15%
		PM Peak	2,626	3,084	17%
	Pound Road / Waterloo Road	AM Peak	1,898	2,404	27%
		PM Peak	1,897	2,355	24%
	Combined	-	8,987	10,784	20%

Figure 5: Intersection Traffic by Stages

- 272 In answering Question 1, we identified a difference in emphasis between the parties as to the stage at which significant effects arise. The Applicant's evidence suggested that the position of concern emerges earlier (at Stage 2), whereas NZTA's evidence was that significant effects arise from Stage 3. Given that difference, we considered it appropriate to test whether the Intersection Upgrades are not required until Stage 3, notwithstanding the Applicant's position that the Pound Road / SH1 intersection should be upgraded in or about Stage 2 or 2031.
- 273 That difference warrants careful examination. The ITA identifies that the Pound Rd / SH1 Intersection Upgrade would be required by 2030 / 2031, and the Pound Road / Waterloo Road Intersection Upgrade by 2033 / 2034.¹²⁸ By contrast, Mr Turay considered that it is "by Stage 3 (2037)" that there is a material deterioration in the network performance directly attributable to the development. Likewise, Mr Johnston suggested that the improvements could be timed to coincide with Stage 3.¹²⁹
- 274 In considering that issue, we are mindful of s 83 FTAA, including the requirement that any condition imposed be no more onerous than necessary. The modelling indicates that, during Stage 2, the Intersections operate at or around Level of Service D, with a degree of saturation below 0.9. While that demonstrates increasing stress on the network, it is not materially worse than the position that would otherwise exist.
- 275 We therefore accept that, although the Project has effects on the Intersections prior to Stage 3, the point at which those effects become significant is from Stage 3. NZTA accepts that this is so for the Pound Road / SH1 intersection, and that timing aligns with the point at which the Pound Road / Waterloo Road intersection, for which CCC is responsible, also becomes problematic. We therefore consider that Stage 3 is the appropriate starting point for assessing whether a condition requiring the Intersection Upgrades is warranted. We reach that view having regard to the direction in cl 17 of Schedule 5 FTAA that we must take into account the purpose of the FTAA and give it the greatest weight. The reasons for this will become apparent in our discussion of Question 7.

¹²⁸ AEE, Appendix 10 - ITA, paragraph [83].

¹²⁹ Above n 125, paragraph [5.4].

Question 5: Is there sufficient certainty that the Intersection Upgrades will occur if they are not undertaken by the Applicant?

- 276 This question comes down to funding and delivery certainty.
- 277 CCC has identified that there is no currently planned funding for the Intersection Upgrades. It states:¹³⁰
- ... this is not a project which CCC currently has in its Long-Term Plan, [it] carries substantial risks, and is unlikely to be a high priority project for a future Long Term Plan (note this is ultimately a political decision).
- The concern is that if a clear path to delivery is not in place, the proposed mitigations are unlikely to occur.
- 278 NZTA likewise advised that there is no planned upgrade for the Pound Road / SH1 intersection.¹³¹ Although we note that the Hornby Strategic Study is underway, and that NZTA advised that its internal process for unscheduled works had been initiated, we have no evidence before us as to the likely outcome of either process. It would therefore be inappropriate to speculate on outcomes and no party has asked us to do so.
- 279 In those circumstances, we find that there is no clear pathway for the Intersection Upgrades to be implemented unless a developer agreement is reached that includes some form of funding contribution from the Applicant. In its memorandum of 20 January 2026, NZTA indicated that it had an appetite to enter into such an arrangement with the Applicant. However, we were advised at the transport conference that NZTA had no mechanism for accepting and holding money (like an RMA bond) to contribute to a project that had not been scheduled. We infer that this is why no workable funding mechanism of that kind was ultimately advanced.¹³²
- 280 Nonetheless, as the entities with statutory obligations to manage the surrounding roads and Intersections, by not imposing a condition to require the Upgrades, it would fall on the Transport Agencies to manage the adverse impacts, determine whether the

¹³⁰ Memorandum for CCC Responding to Minute 8 of the Expert Panel, 20 January 2026, paragraphs [5] – [6].

¹³¹ Section 53 Comments by NZTA, 4 November 2025, paragraph [3.14].

¹³² We note also that, apparently inconsistently, NZTA have also said the Applicant should bear the full cost of the Upgrades.

Upgrades should occur and how to fund them. Both have said there are no plans to do so.

- 281 Before moving on, we note that we have also considered if the Applicant's contribution could somehow be secured through the land use consents that would be relied on once the Project become operational. However, no party advanced such a solution for us to consider. Similarly, although Mr Rodgers referred in evidence to financial contributions, CCC did not meaningfully develop that option before us, and without such assistance it is difficult to progress. In any event, it would not aid NZTA, given its advice that it cannot receive funding contributions for works that are not yet programmed.

Question 6: If the Applicant is to contribute to the cost of the Intersection Upgrades, what is the appropriate contribution?

- 282 We consider that once the Intersection Upgrades are in place, all users of the Intersections will benefit from them. The Applicant provided a breakdown of traffic volumes through the Intersections in 2038 and offered to contribute on the basis that the Project would account for 20 percent of those volumes.¹³³ In our view, that is an appropriate contribution.
- 283 A greater contribution is not justified. Once the Intersection Upgrades are in place, the benefits of improved intersection performance do not accrue solely to traffic generated by the Project. In our view, neither would it be fair nor reasonable to require the Applicant to fund a materially greater share. Nor would such a requirement satisfy the statutory direction in s 83 that any condition be no more onerous than necessary.

Question 7: What condition, if any, should be imposed?

- 284 We turn first to the Applicant's proffered condition 3 to the land use consent. There are three parts to the condition, which we set out below:¹³⁴

- (a) The issue of Titles for Stage 1 (Lots 1-72, 400 and 401) shall not occur until 31 December 2027.

¹³³ As per condition 3 in Appendix 2 – CCC conditions, Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, 19 December 2025, and letter from the Applicant, 24 February 2026.

¹³⁴ We note there were minor differences in the Applicant's latter legal submissions.

- (b) Titles for Stage 2 or beyond shall not be issued until the sooner of:
 - (i) 01 January 2029; or
 - (ii) A Developer Agreement is entered into with Council and / or the NZ Transport Agency to facilitate the Intersection Upgrades.
- (c) The Consent Holder shall provide a contribution towards the construction of the SH1 / Pound Road intersection and Pound Road / Waterloo Road Intersection Upgrades (including the rail crossing), on the basis of the traffic generated through these intersections and costs of the intersection designs submitted with the application and included in the ITA.

285 As already recorded, all parties accept that Stage 1 can proceed without significant adverse traffic impacts. Any condition imposed should therefore accommodate that.

286 Clause (b) of the proposed condition provides two pathways for release of the remaining titles:

- (a) Entry into a developer agreement; or
- (b) A default date of 1 January 2029.

287 Clause (c) then requires the consent holder to make a contribution to the Intersection Upgrades. The mechanism for this contribution is not specified.

288 On the Applicant's proposed approach, if no developer agreement was entered into, titles for Stages 2, 3, and 4 could still be released on 1 January 2029, and development and occupation of the lots could then proceed, with the associated traffic impacts gradually accumulating over time. All users of the Intersections would experience increasing congestion and delay. There would also be some increase in the safety risk at the Rail Level Crossing, and in due course some movements through the Intersections would deteriorate to Level of Service F. However, it remains unclear to us how the proposed condition would in practice compel the Applicant to make its contribution to the cost of the Intersection Upgrades should the Transport Agencies decide to proceed with them. While the Applicant's willingness to contribute is a matter of public record, we are not aware of any legal obligation that would require payment if agreement with the Transport Agencies could not be reached. The lack of enforceability troubles us and is a concern raised by NZTA in its s 70 comments.

- 289 We are therefore faced with a substantial body of evidence that the Intersection Upgrades are required to manage significant effects (or impacts per the language in s 85), together with real uncertainty as to whether the Upgrades will occur and, if they do, whether the Applicant will enter into a developer agreement under which it contributes to their cost. In practical terms, that creates a real risk that the public could bear the full cost of mitigating the degradation of the Intersections caused in part by the Project. We would be concerned by that outcome.
- 290 We have addressed the legality of using a condition precedent in our discussion of s 84A FTAA, and have concluded that we have the power to impose such a condition. We therefore turn to whether a condition precedent is appropriate here, and if so in what form.
- 291 On the one hand, we have found that the Project will give rise to significant adverse effects on the Intersections in the absence of the Intersection Upgrades, and that there is presently no certainty that those upgrades will occur. In other words, we have found that the upgrades “can” occur, but not that they “will” occur.
- 292 On the other hand, we have evidence from Mr Christie that the viability of the Project may be at risk unless the Applicant has certainty and that the Project would break-even at some point during Stage 3. Crucially, he tells us that the progression of the Project will be put at significant risk without certainty as to “continuity for the balance of the development”. In the Applicant’s s 70 comments, it sought to enlarge the viability risk to include the desirability to carry out Stage 4 earthworks within the term of the CRC land use consents. If the viability of the Project is put at risk, then the significant regional benefits identified elsewhere in this decision are likewise placed at risk.
- 293 It is impractical to impose a condition requiring the future holders of the land use consents, or subsequent landowners, to make those payments.
- 294 The legal tests for crafting a specific condition precedent for the Project include that the condition must be no more onerous than necessary (s 83 FTAA) and that the condition takes into account the purpose of the Act alongside the other matters allowed for Sch 5 cl 17(1) FTAA. In our assessment of the matters in Sch 5 cl 17(1), we must give the greatest weight to the purpose of the FTAA.
- 295 In considering whether a condition precedent should be imposed, we find that:

- (a) There are significant adverse impacts on the Intersections from the traffic generated by the Project at Stages 3 and 4 without the Upgrades. We are not persuaded by Mr Fuller's amended view that the scale of effect is now "potentially significant" on account of the Intersections' operation being similar or better than other strategic intersections and the inability to quantify safety concerns. We accept Mr Turay's criticisms of that approach;
- (b) The Project will deliver significant regional benefits, and those benefits aggregate as Stages 2, 3 and 4 occur. We note Ms Hampson's evidence that she did not regard the benefits at Stage 1 alone to be regionally significant; and
- (c) We accept Mr Christie's uncontested evidence that the Project reaches break-even during Stage 3 and that without certainty of continuity that the Project would proceed past Stage 1 there would be significant risk to it proceeding.

296 Giving the greatest weight to the purpose of the FTAA, we consider that the viability of the Project should not be placed at undue risk. Accordingly, a condition precedent that is likely to undermine the viability should not be imposed.

297 However, that is not the end of the matter. The evidence does not establish that all of Stages 1 to 4 are required to achieve financial viability and the associated regional benefits. Mr Christie states that the break-even point occurs during Stage 3.

298 We also note that Stage 4 is presently only a balance lot, and that the exact intensity of development at that stage is unknown, beyond the indicative yields used in the transport modelling. We also understand that the Applicant has not acquired all of the land associated with Stage 4, such that that stage may or may not ultimately proceed. We are not convinced that the timing of the earthworks under the CRC earthworks consent is of such consequence to put the overall viability at risk and we were not provided with evidence that established this beyond the assertion it was so.

299 With this context, the reasoning and answer to question 4 is important. We have accepted that the Intersections are to be viewed as an integrated "package" and that, by Stage 3 (2037), the impacts on both Intersections become significant. It is also relevant that NZTA is the agency responsible for the maintenance and improvement of

strategic network performance, and that there is increasing alignment by that stage with the timing at which the Pound Road / Waterloo Road intersection also requires improvement. In those circumstances, we consider it is open to us to find that the earliest point at which development should be prevented from proceeding in the absence of the Intersection Upgrades is 2034 / 2035, being roughly the commencement of Stage 3, and we find accordingly. As we have said, we therefore take that as the starting point for any condition precedent analysis.

- 300 Should the Project's stages proceed contemporaneously, we reach the same view that Stage 3 is the point where the impacts become significant and that is the earliest point where development should be prevented from proceeding in the absence of the Intersection Upgrades.
- 301 We also consider it reasonable that the Applicant assume some level of normal developer risk, and that doing so is not, of itself, a consequence of a condition that is more onerous than necessary.
- 302 We acknowledge that the precise break-even point within Stage 3 was not identified by Mr Christie. It may be that break-even occurs relatively early in Stage 3, in which case that point may be close to the time that significant adverse impacts begin to arise, a point made again by NZTA in its s 70 comments. However, we do not know that with sufficient precision. In those circumstances and taking into account the purpose of the FTAA and giving it the greatest weight, we consider that the more appropriate course is to require the condition precedent to operate only from Stage 4.
- 303 In making this determination, we have considered the counterfactual if the Applicant's proposed condition were adopted but no developer agreement were reached and the Project nonetheless proceeded. We acknowledge the Applicant's responsible acceptance that it should pay a share of the cost of the Intersection Upgrades proportionate to its traffic contribution, and we have found that such a contribution is appropriate. However, the Applicant's proposed condition does not guarantee that outcome.
- 304 The evidence shows that, on that scenario, the functioning of the Intersections would deteriorate and the costs identified by Ms Hampson would arise. It is reasonably foreseeable that the Transport Agencies might then have to undertake the Intersection Upgrades at their sole cost, or alternatively that the Intersections would continue to operate sub-optimally in the long-term. Although those costs are not significant when

compared with the regional benefits (as discussed in Part G: Regional or National Benefits of the Project) they remain relevant to whether the condition we impose is no more onerous than necessary. In the context of the counterfactual of the risk that the public may bear 100 percent of the cost of the Intersection Upgrades, and having regard to our findings on the viability of the Project and the reality that all developments carry some risk, we are satisfied that the condition we impose is not unduly onerous.

305 In its s 70 comments the Applicant argued the operation of the condition precedent from Stage 4 is too onerous and uncertain. It submits there should be a sunset date, after which Stage 4 may proceed even without the Upgrades.

306 The imposition of a sunset date is a matter the Panel has thought very carefully about but ultimately have determined is outweighed by the significance of the effects if the Upgrades do not proceed and the Project is fully executed (in whatever form Stage 4 ultimately takes). The matters raised by the Applicant in its comments do not make the condition unduly onerous in the context of our findings as to the significance of the effects and the normal developer risk we refer to above. We do not consider there to be uncertainty on account of the condition precedent. Rather the condition is necessary to balance the need for the Upgrades with the provisions of the RMA we must take into account, which, importantly, do not direct us to disregard adverse effects.¹³⁵ Where a proposed condition would materially affect the delivery of the Project and, in doing so, erode or negate the regional or national benefits that underpin its significance, the scope to impose that condition is limited. In those circumstances, conditions may be imposed only to the extent necessary to address adverse effects that are themselves sufficiently significant. Any condition that goes further, or which effectively frustrates delivery of the Project (at least without the Applicant's consent), would be contrary to the purpose of the FTAA and condition setting under the RMA. While we accept the Applicant could be reliant on Stage 4 to contribute to the financial viability of the Project, we are not persuaded on the evidence we have received to change our mind.

307 Similarly, NZTA's s 70 comments point out the risk of Stage 4 not proceeding and the Applicant waiting until the Intersections deteriorate sufficiently to motivate the Transport Agencies to undertake the works at their sole cost. These are issues we had considered and were noted in the draft decision. While we are comfortable with our reasoning in

¹³⁵ See e.g. cl 17 Sch 5 FTAA and approach in *Enterprise Miramar* cited above.

the draft, we record, to avoid doubt, that these considerations were not overlooked. The Applicant is a reputable and well-established developer with deep links to Christchurch and a focus on intergenerational investments that deliver a commercial return, cultural return, and community return.¹³⁶ It is on the record as accepting it is appropriate for it to contribute to the cost of the Upgrades proportionate to the impact of the Project, a point re-emphasised in its s 70 comments. While nothing is certain in life, in our view the commercial imperative of maximising the development and the return from that development is sufficient incentive (in light of the approach under the FTAA as discussed above) to justify the imposition of the condition as we proposed, and now find, is appropriate.

308 However, we observe that our proposed draft condition did not specify when the consent holder's contribution to the Upgrade costs was to be paid. Given NZTA has told us it cannot receive and hold funds pending commitment of funding to a project, and the challenges that may arise in recovering costs after the works have occurred, we have specified Applicant's contribution is to be paid prior to the Upgrade works being completed.

309 We therefore conclude that a condition precedent requiring the Intersection Upgrades is appropriate, however doing so before Stage 4 would be more onerous than necessary under s 83 FTAA to address the reason for which it is imposed, namely the effects of the Project on the Intersections and the wider strategic transport network.

310 Turning to the contribution, we confirm that given the estimated increase in traffic volumes at the Intersections from the Project of 20 percent, a reasonable contribution from the Applicant to the costs of the Upgrades is likewise 20 percent.

311 In its s 70 response, the Applicant pointed out that the Panel's (then) proposed condition drafting may result in the contribution to be paid by the Applicant exceeding the amount estimated by Mr Inness to undertake the agreed works,¹³⁷ should the Transport Agencies elect to undertake an upgrade that goes beyond what would be required to mitigate the effects of the Proposal.

¹³⁶ AEE, Appendix 1 - Authorised Person Statement for NTP, 27 June 2025.

¹³⁷ Above n 87.

- 312 We understand the point being made by the Applicant but observe that a condition requiring a “set” amount to be paid would not account for cost increases or decreases over time. We therefore decline to make the requested amendment. We instead prefer to ‘anchor’ the contribution to be paid by the consent holder to the agreed concept upgrade design, as a proportion of the actual cost of the Upgrades at the time of their construction. That approach both protects the consent holder against any significant move away from the design that has already been generally accepted by the Transport Agencies as being suitable, and it captures any cost escalation or reduction at the time those works occur, relative to the cost estimations that have been made by the Applicant in today’s terms. It would be unfair to the parties and disproportionate if the consent holder was somehow bound to contributing to upgrade costs that did not reasonably relate to the development or accurately reflect its agreed share of the actual costs.
- 313 Additionally, the Applicant has, possibly in response to NZTA’s support for the approach, submitted the condition should not refer to a Level of Service. It suggests this reference leads to uncertainty and could again require the Applicant to contribute more than what would be required to mitigate the effects of the Proposal. It says a better approach is to rely only on the agreed Novo Group drawings dated 27 June 2025.¹³⁸ Neither party is pursuing a reference to the degree of saturation. On reflection, the reference to Level of Service and degree of saturation is not required as the intent of the condition to require the Upgrades to be in accordance with the agreement reached between the parties. A reference to the Upgrades in general accordance with the Novo Group drawings does that.
- 314 We therefore impose a condition precedent on the subdivision consent in the following form:
- (a) The s 224 certificates shall not be issued before 31 December 2027;
 - (b) The s 224 certificates shall not be issued for Stage 2 or Stage 3 before 1 January 2029;
 - (c) The s 224 certificates shall not be issued for Stage 4 before the Intersections are upgraded;

¹³⁸ Drawing 0383-012-DWD1001-B.

- (d) As the subdivision progresses, consent notices shall be placed on the titles of the balance lots requiring that Stage 4 does not proceed until the Intersections are upgraded in general accordance with the concept drawings;
- (e) The consent holder shall fund 20 percent of the costs of the Upgrades to the Intersections; and
- (f) The above requirements will not apply if the consent holder enters into a developer agreement with NZTA and CCC for an alternative arrangement as to timing of Intersection Upgrades and cost sharing.

LCSIA

- 315 Up to this point, our discussion has focused on the two key road Intersections. The KiwiRail Main Trunk line runs broadly parallel to SH1 and Waterloo Road, with the rail level crossing on Pound Road located between the Intersections. The level crossing is fitted with barrier arms, warning lights and yellow box hatching to indicate that vehicles should not stop on the crossing.
- 316 The Intersections are sufficiently close together that extended queueing of vehicles waiting to turn right out of Pound Road onto SH1 may extend back across the rail level crossing. Such queueing is a concern for safety. As the Project generates additional traffic, the likelihood of such queueing correspondingly increases.
- 317 A central component of the proposed Intersection Upgrades is the provision of two right-turn lanes from Pound Road onto SH1, thereby allowing a greater number of vehicles to queue more safely at the Pound Road / SH1 intersection without the queue extending back over the level crossing.
- 318 In its s 53 comments, and its subsequent response to the Applicant, KiwiRail sought a condition requiring a LCSIA.
- 319 Mr Fuller assessed the increase in the risks at the level crossing. He considered that the relevant safety issues were “potentially significant”, but represented a low risk over

a 10+ year period, with the modelled risk of fatal or serious injury increasing from 0.985 to 1.016 per year in 2038.¹³⁹

320 The Applicant undertook consultation with KiwiRail in relation to the request for an LCISA. Through that consultation, KiwiRail also raised concerns about the potential adverse effects of heavy construction traffic on the condition of the level crossing.

321 The Applicant and KiwiRail subsequently agreed two conditions:¹⁴⁰

- (a) A condition requiring an LCISA to be undertaken and to inform the design of the Intersection Upgrades; and
- (b) A condition requiring a Construction Traffic Management Plan (**CTMP**) to be prepared and all construction activities to be carried out in accordance with the certified CTMP.

322 We note that the agreed LCISA condition assumes that the Intersection Upgrades will occur, because the outcomes of that assessment are intended to inform the design and implementation of those works. That created some concern for us if there remained no certainty that the Intersection Upgrades would proceed, particularly at later stages of the Project, when queuing back across the level crossing could become more frequent. However, with the use of the condition precedent identified in the previous section, we are satisfied that there is greater certainty for any recommended improvement works to be included and implemented as part of the proposed Intersection Upgrades.

323 Having considered the information before us on the safety effects of the Project on the operation of the rail level crossing, we find that the additional traffic generated from the Project results in a slight increase (2 or 3 percent) in the likelihood of a serious injury or fatality occurring at the crossing in the later stages of the Project. We are satisfied that the conditions agreed between the Applicant and KiwiRail are generally appropriate. The Applicant subsequently suggested some minor amendments to the CTMP condition in their s70 comments. These changes do not change the intent of the condition. We adopt them as part of the suite of conditions.

¹³⁹ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 2, 24 February 2026, paragraphs [9] – [11] and [20].

¹⁴⁰ Ibid, Appendix 6 – Response to Minute 11 – KiwiRail Conditions, 26 February 2026.

Highly Productive Land

- 324 Whether the NPS-HPL applies to the Site, and is therefore relevant to the Application, is disputed between the Applicant and CCC.
- 325 There is no dispute that the majority of the Site comprises Land Use Classification (LUC) Class 2 land, with the balance being LUC Class 4 land.
- 326 The dispute turns on the interpretation and application of the interim definition of highly productive land, which applies until regional councils complete the mapping of highly productive land in their regional policy statements as required by the NPS-HPL.
- 327 While CCC referred us to draft mapping prepared as part of a paused review of the Canterbury Regional Policy Statement (CRPS), that review is not operative, has not been notified, and remains in draft form only. We therefore assign no weight to that draft mapping.
- 328 In the absence of operative mapping, cl 3.5(7) of the NPS-HPL requires the NPS-HPL to be applied as if references to highly productive land were references to land that:
- (a) Is:
 - (i) zoned general rural or rural production; and
 - (ii) LUC 1, 2, or 3 land; but
 - (b) is not:
 - (i) identified for future urban development; or
 - (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.
- 329 And further, under cl 1.3(4):
- A reference in this National Policy Statement to a zone is:
- (a) a reference to a zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standards; or
 - (b) for local authorities that have not yet implemented the Zone Framework Standard of the National Planning Standards, a reference to the nearest equivalent zone.

- 330 The Site is zoned RUF. Because CCC has not yet implemented the Zone Framework Standard, determining whether the NPS-HPL applies requires us to identify the nearest equivalent zone to the General Rural (**GR**) and Rural Production (**RP**) zones in the National Planning Standards.
- 331 There are seven rural zones in the District Plan. For the purposes of equivalence, the comparison is primarily between the five non-quarry rural zones.
- 332 The GR and RP zones are both described as being used predominantly for primary production activities, with the RP zone placing greater emphasis on reliance on the productive nature of the land. The Rural Lifestyle (**RL**) zone, by contrast, is described as being used predominantly for a residential lifestyle within a rural environment.

Applicant's position

- 333 The Applicant relies on legal advice that the nearest equivalent zones to the GR and RP zones are the Rural Banks Peninsula (**RUBP**) and Rural Waimakariri (**RUW**) zones.¹⁴¹ On that basis, the Applicant contends that the RUF zone is instead most closely aligned with the RL zone and that the NPS-HPL does not apply to the Site.
- 334 In summary, the Applicants analysis relies on:
- (a) The larger minimum subdivision standards in the RuBP and RuW zones;¹⁴²
 - (b) The recognised potential for future urban growth in the flatland rural area in the s 32 reporting acknowledging that traditional farming is no longer dominant in that area;
 - (c) The planning focus of the RUF zone on managing rural living and preventing de facto urban development;
 - (d) The range of non-rural activities enabled in the RUF zone and the greater restrictions on intensive farming to manage effects on residents; and

¹⁴¹ AEE, Appendix 24 , 11 July 2025.

¹⁴² Minimum subdivision standard of 40 ha (below the 160 m contour) and 100 ha (above the contour) in the RUBP Zone, and a minimum of 40 ha in the RUW Zone. A minimum of 4 ha applies in the RUF zone, being the smallest of the rural zones.

(e) The comparatively small minimum net site area in the RUF zone.

335 The Applicant therefore submits that the Site should not be treated as though it were zoned GR or RP and that the NPS-HPL is not applicable. In the alternative, the Applicant has assessed the Proposal as if the NPS-HPL did apply, and concludes that the Proposal is generally consistent with it.¹⁴³

336 In a memorandum from Novo Group responding to Minute 11 and addressing amended national direction instruments, the Applicant also states that cl 3.6 of the NPS-HPL is not relevant to this Proposal, as that clause relates to urban rezoning rather than subdivision by way of resource consent. The Applicant considers that, if the NPS-HPL were otherwise applicable, the relevant provisions would instead be cl 3.8 (subdivision), cl 3.9 (use and development) and cl 3.10 (exceptions where constraints), which were assessed in the Highly Productive Land and Soils Assessment prepared by Reefside.¹⁴⁴

CCC's position

337 CCC comments that the NPS-HPL applies to the Site. Relying on legal advice from Buddle Finlay and Mr David Caldwell, CCC considers that identifying the “nearest equivalent zone” is a matter of statutory interpretation directed at the purpose and function of the District Plan zones, having regard to the protective intent of the NPS-HPL.¹⁴⁵

338 CCC considers that this assessment must be undertaken by reference to the objectives and policies of the District Plan, rather than existing land use patterns, economic viability, or s 32 reporting.¹⁴⁶ In that context, all rural zones share a common strategic purpose of enabling and protecting rural productive activities, and none are intended to be used predominantly for residential lifestyle purposes.

339 CCC therefore considers that the RUF zone is at least as near in equivalence to the GR and RP zones as any other rural zone and is not equivalent to the RL zone. On that

¹⁴³ AEE, Appendix 23 – Assessment of Relevant Planning Provisions, undated, pg. 7 – 11.

¹⁴⁴ AEE, Appendix 20 – HPL and Soils Assessment, 4 June 2025.

¹⁴⁵ Section 53 Comments by CCC, 19 June 2025, paragraphs [253] – [272]; Appendix 12 – Buddle Findlay Legal Opinion, 15 September 2025; and Appendix 13 – David Caldwell Legal Opinion, 11 October 2023.

¹⁴⁶ Ibid, Buddle Findlay, paragraph [21]; and Caldwell, paragraph [7].

basis, CCC submits that the NPS-HPL applies, with matters of economic viability, constraints and fragmentation to be addressed under cl 3.10.

Applicant response to CCC comments

- 340 In the memorandum of counsel accompanying its reply under s 55 FTAA, the Applicant maintains that the NPS-HPL is not relevant to the Application. The Applicant rejects the legal advice relied upon by CCC, submitting that adopting that approach would produce an anomalous and disconnected outcome that is inconsistent with the current planning framework and undermines the purpose and intent of the NPS-HPL.¹⁴⁷
- 341 The Applicant contends that, because the objectives and policies of the District Plan do not clearly differentiate the predominant land use outcomes intended for each rural zone, the implementing rules, subdivision standards and activity tables provide the best guide to identifying the nearest equivalent zone. The Applicant further submits that the present context, including practical viability and the constraints affecting primary production, is relevant to that assessment.
- 342 On that basis, the Applicant submits that the RuBP and RuW zones are the only rural zones where primary production is genuinely enabled, anticipated and actively managed as contemplated by the NPS-HPL. By contrast, the Applicant describes the RUF zone as highly fragmented, dominated by lifestyle living, constrained by water and nutrient limits, and unable to sustain viable primary production. The Applicant therefore considers that the RuBP and RuW zones are the closest equivalents to the GR and RP zones, and that the RUF zone is equivalent to the RL zone.

Panel's determination on applicability

- 343 We must determine whether the NPS-HPL applies to the Site under cl 1.3(4) and 3.5(7). Clause 3.5(7) requires the NPS-HPL to be applied, in the absence of regional mapping, as if references to highly productive land were references to land zoned GR or RP, or the nearest equivalent zone.
- 344 Having considered the objectives and policies and implementing provisions of the District Plan, we are satisfied that the RuBP and RuW zones are the only rural zones

¹⁴⁷ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 11 - Memorandum on the application of the National Policy Statement of Highly Productive Land 2022 (NPS-HPL) to the Application, 18 December 2025, paragraph [6].

that are genuinely enabled and anticipated for land-based primary production in a manner consistent with the purpose of the GR and RP zones.

- 345 By contrast, the RUF zone is directed at managing rural living and peri-urban development. This is reflected in its comparatively small minimum lot sizes, the wide range of non-rural activities anticipated and enabled, and the constraints placed on intensive farming activities. While the rural zones all share the same high-level objective of recognising the importance of land-based primary production within the rural environment, that objective, of itself, does not determine the predominant purpose or intended outcomes of each zone. That is instead, in the absence of purpose statements for the individual zones, revealed through the structure and implementation of the zone-specific rules and subdivision framework.
- 346 In the case of the RUF zone, those provisions produce planning outcomes that prioritise rural residential, lifestyle, and peri-urban activities. In that context, treating the RUF zone as equivalent to the GR or RP zones would promote the protection of an opportunity for land-based primary production that, as a consequence of the zoning framework itself, is unlikely to be realised.
- 347 A singular focus on the common objective for the rural zones also ignores the practical constraining realities of the physical characteristics and historical land fragmentation identified by the Applicant to significantly constrain the viability of land-based primary production across the RUF zone.
- 348 Those constraints are not apparent in the RuBP and RuW zones. For those reasons, we find that the RUF zone is not the nearest equivalent to the GR or RP zones for the purposes of cl 1.3(4) and 3.5(7).
- 349 Accordingly, the Site is not highly productive land for the purposes of the interim definition in cl 3.5(7), and the NPS-HPL does not apply to the Application.
- 350 For completeness, and without prejudice to that finding, we note that even if the NPS-HPL were applicable, the Proposal would be capable of proceeding under cl 3.10. Our more detailed consideration of that provision is set out in Part H: Statutory Documents.

Landscape and visual amenity

- 351 The effects of the proposal on landscape and rural amenity values have been assessed by Novo Group Limited. The report is attached as Appendix 11 to the AEE, which includes a graphic attachment and landscape concept plans for the assessment at Appendix 1. This is supplemented by an Appendix 11 Addendum to the AEE.
- 352 Novo Group, in consultation with the herpetologist and the aquatic ecologist, has provided an indicative planting plan and plant list for the 5 m landscape amenity and ecological planting strip proposed along the majority of the length of Barbers Road, and indicative internal street tree planting.¹⁴⁸ The AEE records that these measures are expected to result in positive effects in terms of increasing canopy coverage and indigenous biodiversity on Site, assisting to reestablish lizard habitat as well as providing an ample visual buffer to the rural properties adjacent to Barbers Road.
- 353 The AEE notes that the development will generate landscape and visual effects both at a broad “area wide” scale and at a localised scale for immediately adjacent properties.
- 354 At a wider scale, Novo Group considers that the proposal will integrate appropriately into the existing landscape context, which already contains a mixture of rural-residential, agricultural, industrial, motorsport and quarry activities along Christchurch's western rural-urban fringe. This broader environment is assessed as having greater capacity to absorb further industrial development due to the established pattern of land uses.
- 355 The AEE explains that from the northern aspect and along Pound Road, no landscape strip is proposed, and open views into the subdivision will remain. These views already contain industrial elements, and Novo Group assess the area-wide effects on landscape and visual amenity as low to moderate, which equates to a minor and acceptable effects.¹⁴⁹
- 356 The AEE notes that rural / industrial and open space / industrial are common interfaces within Christchurch, and the effects arising at such boundaries are anticipated by the District Plan. As summarised in Appendix 11, views from the Templeton Golf Course are variable, already include outlooks toward the Waterloo Business Park, and can be

¹⁴⁸ AEE, Appendix 11, July 2025, paragraph [18] and FN 1: Approximately 818m in length, excluding the two proposed road entrances and open space reserve site at Lot 200.

¹⁴⁹ AEE, Appendix 11 Addendum, 3 October 2025, paragraph [15].

appropriately managed through a 3 m setback and tree planting at 10 m intervals along the boundary.

357 Further, the AEE records Novo Group's consideration of signage and lighting effects, concluding that the District Plan standards will adequately manage glare and light spill, and that the limited use of internally lit signs will maintain rural amenity at accepted levels.

358 Regarding landscape and visual amenity effects, The AEE records the proposed mitigation that forms conditions of consent as including:

- (a) The 5 m wide native planting strip along Barbers Roads (to be installed at the time of subdivision);
- (b) Street tree planting within the road corridors;
- (c) Application of IGZ built form standards; and
- (d) A prohibition on digital or LED billboards/signs.

359 Novo Group concludes that, with these measures, overall landscape and visual effects will be low-moderate, with very low visual effects on residents of the nine dwellings identified along Barbers Road, and low (minor) effects on the residents at 55 and 79 Barbers Road once the 5 m mitigation buffer is established.¹⁵⁰ Accordingly, the AEE records that these are not "sufficiently significant" adverse impacts when considered under s 85 FTAA.

Comments received

360 Several owners of the properties adjacent to the Site have commented on issues relating to the effects of the Proposal on the enjoyment of their properties.

361 John and Philippa Borlase, who reside at 45 Barbers Road, are concerned about the ongoing care and maintenance of the grass berm, hedging and trees adjacent to their property. They also express concerns about the potential for noise, traffic and other

¹⁵⁰ AEE, Appendix 11, July 2025, paragraphs [15] – [17].

disturbances, particularly in relation to the welfare of their animals (including horses, livestock, sheep) and the tranquillity they currently experience at their property.

- 362 Cass Jones and Gemma McLaughlin, who own a property at 33 Barbers Road, have commented on the potential loss of rural character and adverse effects on visual amenity arising from the Proposal. In relation to visual amenity, they request that the existing tree hedges on the Site bordering rural-residential properties be retained, and that an appropriate instrument be registered on the relevant titles to ensure their protection and maintenance in perpetuity. They also seek the installation of bunding within the Site to assist in mitigating noise from future development, with such bunding to be established in advance of development occurring, as well as a requirement for a high standard of business property upkeep.
- 363 CCC raised comments on landscape and visual amenity matters within its broader response. Those comments primarily concern Site boundary treatments, visual screening and industrial building and storage heights, as summarised below:
- (a) Northeast boundary adjoining the Templeton Golf course – CCC recommends increasing the proposed setback to 5 m and providing tall evergreen planting. Service areas should be screened from this boundary, and signage and brightly coloured buildings should be avoided;
 - (b) Eastern boundary adjoining Waterloo Park – The proposed 1.5 m setback is considered acceptable; however, CCC requests that the Applicant provide further detail on tree species, scale and spacing;
 - (c) Southern boundary – No changes are recommended;
 - (d) South-western and western boundaries adjoining Barbers Road and Hasketts Road – CCC recommends denser planting within the proposed 5m landscape strip along the Site boundary, inside the water race. Taller evergreen trees at approximately 5 m spacing are recommended, in combination with a maximum building height of 12 m within 15 m of this boundary;
 - (e) Maximum building height across the Site – CCC notes a recommended maximum building height of 20 m across the Site, while recognising the

IGZ does not impose a maximum height limit unless adjoining a residential zone;

- (f) Building height controls – CCC recommends the inclusion of an additional condition to ensure that any height limits also apply to container storage or material stacks;
- (g) Signage – CCC recommends signage not be positioned within the 5 m wide landscape strip or adjacent any proposed access roads off Barthers or Hasketts Roads, that height, illumination and area limits apply to signs on buildings facing these roads, and no signage shall face Templeton Golf Course;
- (h) Service/storage and carparking areas - CCC recommend screening of service and storage areas from Barthers and Hasketts Roads, and planting within car parking areas for lots fronting these roads; and
- (i) Lighting – CCC recommends all fixed exterior lighting should not be directed towards residential properties in the adjoining RUF zone.

Applicant response to comments

364 In response, the Applicant has amended the proposal to:

- (a) Include Totora trees within the Barthers Road landscaping strip at 10 m intervals;
- (b) Increase the required setback for buildings within allotments adjoining the Templeton Golf Course boundary from 3 m to 5 m and include planting of Cupressus x leylandii 'Ferndown' at 10 m spacing along this boundary;
- (c) Restrict signage on lots adjacent the Golf Course from being orientated towards the Golf Course and restrict signage within the 5 m landscaping;
- (d) Require fencing along the lots fronting Barthers Road to be located internal of the 5 m landscaping strip;
- (e) Require vehicle access to the proposed lots to be from roads internal to the subdivision only; and

- (f) Limit the height of any stacked shipping containers within 20 m of the Hasketts or Barthers Road frontages to a maximum of 15 m.

365 Updated landscaping plans¹⁵¹ and proposed conditions were provided incorporating these changes.

Issues still in contention

366 The Applicant has not adopted the CCC recommendations regarding:

- (a) Limiting maximum building heights, noting the limited potential for shading effects and limited views from neighbours primary living areas, substantial landscape mitigation already proposed and consistency with other situations of the IGZ adjoining the RUF zone;
- (b) Further restrictions on the location, size, height and illumination of signage, noting the effectiveness of visual screening, consistency with the IGZ provisions where adjacent to the RUF zone, and the need to meet the IGZ glare and light spill standards as part of the proposed conditions;
- (c) Additional screening of outdoor storage and servicing areas, given screening of the Barthers Road frontage and absence of sensitive activities adjacent the site along Hasketts Road;
- (d) Tree planting within car parking areas, as the IGZ does not require such landscaping; and
- (e) Restriction over the colour of buildings, as again that is not a requirement of the IGZ, and nor do the landscape characteristics and values of the site and surroundings warrant such intervention.

367 Regarding comments and requests from neighbouring property interests, the Applicant notes that while existing tree hedges along Barthers Road will be removed, they will be replaced with a mix of tree and plant species within a dedicated landscape strip.

¹⁵¹ Included with Appendix 9 – Landscape response, 9 December 2025, to the Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA.

Panel findings

- 368 The effect of the Proposal is to essentially rezone the Site in accordance with the IGZ provisions, and if that is to occur, we have taken the approach of maintaining consistency with the provisions of that zone, and how it has been applied to comparable circumstances elsewhere in the city, unless the Site context strongly supports a modified approach.
- 369 We are satisfied the amended proposal provides for an acceptable outcome concerning the anticipated and potential adverse effects of the proposal on landscape and visual amenity values, reflecting the context of the site, the nature of activities that are anticipated and how that type of development is enabled to occur in comparable situations elsewhere in the city.
- 370 In reaching our conclusions, we are mindful of the proximity of several rural residential properties along Barthers Road in particular.
- 371 We have carefully considered the requests for limiting the maximum height of buildings throughout the proposed development, or more specifically if they are positioned close to the Barthers and/or Haskett Road frontages. We note the Applicant has now offered a condition limiting the height of stacked containers within 20 m of these frontages but rejected any limiting of building height.
- 372 We accept the analysis of the Applicant on building height and related visual amenity and shading impacts, as contained in the Novo Group's s 55 response to the comments received.¹⁵² Recognising replacement planting and screening proposed for the Site will take time to be fully effective in mitigating visual impacts, and buildings may well be larger and more visible than provided for under the current rural zoning of the Site, the intended outcome of industrial development will not be out of character with similar situations of land zoned for that purpose occurring adjacent to the RUF zone.
- 373 Within the enabling context of the FTAA and the reliance of this Application on the provisions of the IGZ to create a de facto IGZ with commensurate effects, we have concluded the visual impact of development of the nature anticipated by the IGZ, in form and appearance, does not justify a restriction of building height.

¹⁵² Ibid, pg. 6.

PART F: EVALUATION OF EFFECTS

374 Schedule 5 cl 5(4) requires a consent application to provide an assessment of an activity's effects on the environment covering the information in cl 6 and 7. The AEE provided an assessment of these matters at paragraphs [13] – [14], and [143] – [314]. Participants who commented also raised a range of actual and potential effects.

375 The following principal categories of actual and potential effects arise from the Proposal:

- (a) Transport (other than Intersection Upgrades);
- (b) Economics;
- (c) Urban design;
- (d) Other regionally significant infrastructure;
- (e) Reverse sensitivity;
- (f) Climate change and emissions;
- (g) Three Waters: water supply, wastewater and stormwater;
- (h) Ecology (freshwater and terrestrial) / biodiversity;
- (i) Acoustics / vibration;
- (j) Natural hazards;
- (k) Geotechnical; and
- (l) Construction.

376 We have addressed these effects thematically throughout our discussion below and apply these findings as required to the Wildlife Act approvals, along with those under the RMA. We have also had regard to the relevant planning provisions in evaluating the effects of the Project, as noted in Part I: Regional and District Planning Framework.

377 In terms of the relevant receiving environment, we have applied the test in *Hawthorn*.¹⁵³ 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.

378 Much of the information received on the assessment of effects is uncontentious and has not been put in issue by any party. We have therefore approached the record of our assessment of the (non-contentious) effects and impacts by summarising the effects and impacts and recording our key findings. Those findings generally lead to the imposition of conditions on the approvals, which we have also recorded with any necessary commentary. We signal that those conditions are largely in accordance with the conditions proposed by the parties subject to the amendments we consider necessary as explained in Part K: Conditions.

Transport (other than Intersection Upgrades)

379 The ITA describes the Project's proposed internal road network and how it will operate. Additionally, as well as effects on the strategic network, the ITA assesses transport effects on the road network adjacent to the subdivision and identifies the form of the proposed Intersections on Pound, Barters and Hasketts Roads.

380 In this section we address the majority of the transport impacts of the Project. The one exception is our discussion on the impact of the Project on the Intersections, particularly if they are not upgraded, which is discussed in Part E: Principal Issues in Contention.

381 We begin by describing some features of the Project. While there is some repetition from Part B, we think it helps to have the context set out again.

382 The Project is a subdivision of 60.4 ha of rural land into 74 freehold industrial lots. Internal roads serving the lots will be approximately 6.7 ha. The proposed staging of the development is set out below:

- (a) Stage 1 comprises 26 industrial lots, Roads 2, 3 and 4, Lot 200 for Stormwater Management and the construction of two priority-controlled

¹⁵³ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424, paragraph [84].

intersections from Barthers Road. Stage 1 is approximately 31% of the overall site area.

- (b) Stage 2 consists of 32 industrial lots and a SMA (proposed Lot 201). Stage 2 includes the construction of the main (roundabout) intersection with Pound Road as well as the continuation of Roads 2 and 3. It is approximately 22% of the overall site area.
- (c) Stage 3 provides 15 industrial lots, a SMA (proposed Lot 202), and extensions of Road 4. It is approximately 32% of the overall site area.
- (d) Stage 4 has a total area of 8.6 ha and is a balance lot. At the time this allotment is developed it is intended to be subdivided further, with a priority-controlled intersection to Hasketts Road, as indicatively shown on the scheme plan (see Figure 2). Stage 4 is approximately 14% of the overall site area. Stage 4 also includes an upgrade to the Hasketts Road / Maddisons Road / Barthers Road intersection, which is triggered by the establishment of the Hasketts Road connection.

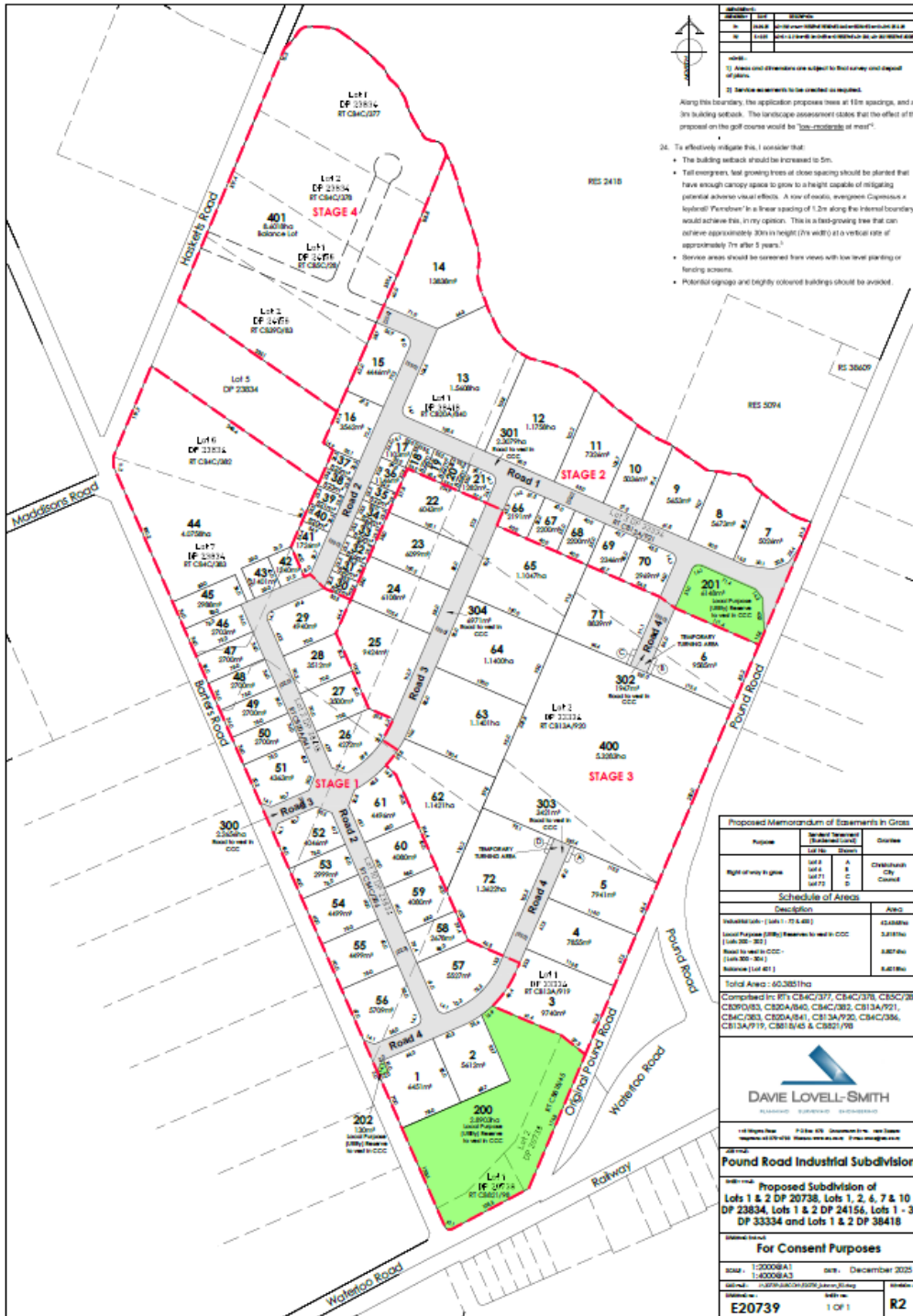


Figure 6: Subdivision scheme plan with the internal road numbers overlaid

383 Transport modelling has been carried out to understand the effects of the increasing traffic from the Project on the surrounding roading network. The modelling uses a linear rate of increase in the traffic generated by the subdivision between 2028 (start of Stage 1) and 2038 (completion of Stage 4). By 2038, the Project is anticipated to generate

856 vehicle movements per hour in the AM peak, 780 vehicles per hour in the PM peak and 9,736 vehicles per day.

- 384 The 2018 daily traffic volume at Barters Road is 1285, with a peak rate of 100-130 vehicles per hour.¹⁵⁴ The 2038 daily volume is predicted to be 1400 without the Project, or 1900 with the Project,¹⁵⁵ a 36% increase due to the Project.
- 385 The 2018 daily traffic volume at Hasketts Road is 3250, with a peak rate of 260 - 310 vehicles per hour. The 2038 daily volume is predicted to be 4100 without the Project, or 4900 with the Project, a 20% increase due to the Project.
- 386 Compared to the current situation, the Project contributes to a 56% overall increase in peak hour traffic at Barters Road by 2038 and an overall 8% increase at Hasketts Road.¹⁵⁶
- 387 The Project is anticipated to generate approximately 922 heavy vehicle movements per day. The majority of this traffic will use Pound Road.
- 388 The Applicant considers that the modelling report does not highlight any issue at the Hasketts / Maddisons Road intersection. However, it proposes to upgrade the Barters Road / Hasketts Road / Maddisons Road intersection to better accommodate traffic turning right from Hasketts to Maddisons at Stage 4 (as there is otherwise little traffic demand heading around the bend).

Comments received

- 389 Mr Rodgers, on behalf of CCC, states that widening of Barters Road, Hasketts Road and Pound Road will be required to accommodate traffic generated by the Project, and that any such works should be designed and constructed in accordance with the IDS. Mr Rodgers also raises concerns regarding pedestrian and cyclist safety along Pound Road, particularly from Stage 2 onward, noting that the existing road environment and heavy vehicle volumes present a serious safety risk. He considers that improved pedestrian and cycling connectivity, including provision of a shared path along or

¹⁵⁴ AEE, Appendix 10 – ITA, July 2025, Table 2.

¹⁵⁵ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 4, 18 December 2025, Table 1 on pg. 3.

¹⁵⁶ Above n 154, Table 8.

parallel to the Pound Road frontage, is required to mitigate the risk which we consider is a potential impact for us to consider. He also notes that the IDS requires separate cycle facilities on rural arterial roads such as Pound Road.¹⁵⁷

390 Mr Rodgers provides further comments in his memorandum of 5 March 2026. In those comments he emphasises that provision for pedestrians is also required.

391 Comments by John and Philipa Borlase of 45 Barters Road, Carey Jones of 9 Barters Road, and Cass Jones and Gemma McLaughlin of 33 Barters Road raise concerns about increased traffic, heavy vehicles, and noise on Barters Road.

392 Cass Jones and Gemma Mclaughlin request no Project entrances on Barters Road, and that access instead be provided at the intersection of Maddisons Road and Hasketts Road. They also seek the provision of cycle and pedestrian paths and improvements around the Project. Further correspondence was received from Cass Jones in December which stated that the proposed southern entrance on Barters Road was directly opposite their driveway and would pose a danger. These parties also provided comments on the draft conditions that largely reiterated their earlier concerns.

393 Carey Jones seeks assurance that the proposed Barters Road and Waterloo Road intersection improvements are fit for purpose and are capable of accommodating the anticipated traffic.

394 John and Philipa Borlase express concern that increases in noise, traffic and other disturbances may adversely affect their quiet, rural lifestyle and the welfare of their animals.

Applicant response to comments

395 The Applicant made amendments to the Stage 1 Shared Use Path (**SUP**) in line with CCC comments.

396 The Applicant has also offered to construct an unseparated cycleway within the sealed shoulder of Pound Road. This proposal is not agreed to by CCC.

¹⁵⁷ Memorandum for CCC responding to Minute 8 of the Expert Panel, 20 January 2026, paragraph, paragraph [13] - [14].

- 397 Concerns about additional traffic and heavy vehicles on Barters Road from the residents were also addressed by the Applicant. It noted that the traffic volumes on Barters Road are predicted to increase from 1400 vpd under the 2038 base case scenario to 1900 with the Project, but that the speed limit on Barters Road is proposed to be reduced to 60 kph and this would improve pedestrian and cycle safety.
- 398 The Applicant considers that the proximity of the southern access intersection on Barters Road to the 33 Barters Road access is acceptable,¹⁵⁸ and notes that a flush median could be incorporated at detailed design if required.
- 399 In response to the concerns raised by Carey Jones, the Applicant also confirmed that the layout of the Barters Road/Waterloo Road intersection had been considered in the traffic modelling and that it is fit for purpose and can accommodate the traffic.
- 400 The Applicant advised at the Transport conference¹⁵⁹ that it has agreed conditions with CCC to increase the width of Barters Road, Hasketts Road and Pound Road on its side of the roads only. Some widening will also occur on the other side of the road to accommodate the Intersections. Consent conditions agreed between the Applicant and CCC on these transport matters were provided in s70 comments on conditions.

Panel findings

Road widths

- 401 We accept the evidence provided by the Applicant and impose the conditions agreed between the Applicant and CCC on these matters.

Stage 2 Cycleway

- 402 We have considered the options for provision of the Stage 2 cycleway.
- 403 The speed environment on Pound Road is expected to be reduced to 60 kph (compared to the existing 80 kph environment north of 111 Pound Road) which we consider is an important factor that may partly mitigate the risk of heavy vehicles operating near a cycleway within the shoulder. We consider that, with development on both sides of the

¹⁵⁸ Memorandum to the Expert Panel in Response to Minute 8, 20 January 2026.

¹⁵⁹ Transport conference with the Panel, Applicant, NZTA, CCC and KiwiRail, on 5 February 2026.

road, the road environment will be urban rather than rural which will mean that an urban form of cycleway is appropriate.

404 We also note that the existing cycleway on the western side of Pound Road is provided in the shoulder. We therefore find the cycleway may be contained within a widened shoulder, provided it is of sufficient width such that there is a safe separation distance between live traffic lanes and cyclists in accordance with the relevant guidelines (IDS and Austroads).

405 We set a condition in the draft decision that the cycle path along Pound Road may be incorporated into the shoulder of Pound Rd. The Applicant and CCC provided a revised version of this condition in their responses to the draft decision and we accept that version.

Impacts on Barters Road residents

406 We have considered the impacts of changes to traffic on Barters Road and in particular the effects on the properties and residents.

407 We acknowledge that there will be an increase in the traffic on Barters Road over time and that this, is in part due to the Project. We also note that the speed limit on Barters Road will be reduced to 60 kph and that the road will be widened. While there will be more vehicles over time, some of the increase is due to growth in the traffic from the surrounding area. We consider that the reduction in speed limit and road widening will mitigate the increased number of vehicles to some extent.

408 With respect to the effects of heavy vehicles, we note that while there is a predicted 56% increase in the peak hour traffic on Barters Road (due to background growth and the Project), the ITA states the majority of heavy vehicles will use Pound Road. We are somewhat comforted by this information, but, were unclear whether the potential for additional heavy vehicles means that a flush median is required near 33 Barters Road. We therefore invited the parties to comment on this issue when we released the draft conditions.

409 The Applicant advised in their response to the draft decision and conditions that they had discussed the need for a flush median with CCC and agreed that a flush median was not required on Barters Road. However, they also recorded that the safety audit required by the conditions is the appropriate place to consider whether the flush median

is required and the mitigation of effects on access to and from 33 Barbers Road. We agree and have amended the road safety audit condition (condition 88) to include those considerations.

- 410 We have also considered Cass Jones' request for pedestrian and cycle facilities along Barbers Road. We accept the Applicant's assessment of the need for these facilities and make no changes to the conditions in that respect. The Applicant has considered the effects of the Barbers Road southern accessway. Mr Rodgers agrees with the ITA in respect of the operation of the Barbers and Hasketts Roads access intersections.¹⁶⁰ We therefore find that the effects at the Barbers Road intersection have been adequately considered and addressed for the operational phase of the Project.
- 411 We consider that construction phase traffic effects on the Barbers Road residents have not been specifically addressed but that the proposed CTMP can include consideration of those effects and how to mitigate them.
- 412 With respect to the effects of the Project traffic on the Barbers Road and Waterloo Road intersection, we find that the effects of the Project have been considered and that the existing intersection is suitable to cater for the increase in traffic.
- 413 Overall, we consider we have adequate information to understand the potential and actual adverse impacts. Based on that information, it is our view that provided the carriageway and proposed Intersection are widened and designed in accordance with CCC requirements (which we will condition accordingly) and the CTMP is updated as we have directed, the traffic impacts on Barbers Road will be adequately addressed and efficiency and safety will not be compromised.

Effects of the proposed internal road layout

- 414 The Applicant has proposed an internal road layout to be implemented in stages to align with the four stages of Project. The design of the internal roads is to be confirmed through the CCC Engineering Acceptance process, including assessment against the IDS.

¹⁶⁰ Section 53 Comments by CCC, Appendix 6 - Evidence of Peter Thomas Rodgers, 31 October 2025, paragraph [41].

Comments received

- 415 Mr Rodgers notes that the engineering approvals process provides a suitable opportunity to address detailed safety and design matters. He confirms that, subject to the detailed design meeting the IDS, he is satisfied that the proposed internal road layout can be appropriately managed through that process.¹⁶¹

Panel findings

- 416 We are satisfied that the matters raised in relation to the proposed internal road layout can be appropriately addressed through detailed design and the CCC Engineering Acceptance process required for the vesting of public assets, including assessment against the IDS.

Economics

- 417 An Economic Impact Assessment¹⁶² (**EIA**) provided with the Application discusses the potential economic impacts of the Proposal.
- 418 Economic impacts of a project are a relevant consideration under the FTAA, including pursuant to the obligation for us to consider the extent of regional or national benefits under s 81(4). Economic effects are one category of potential benefits arising from the Proposal and are therefore relevant to our assessment. For that reason, we address the economic effects of the Proposal before turning to our broader evaluation of the significance of the regional and national benefits under ss 81(4) and 85(3) near the end of our decision.
- 419 We think it helpful at this stage to note that the EIA attempted to quantify economic benefits arising from what might loosely be described as revenue and jobs. The Applicant did not initially attempt to quantify in monetary terms the adverse impacts of the Proposal. We will return to that issue below when discussing the distinction between gross and net economic benefits, and when assessing the significance of the Project's (relevantly) regional benefits.

¹⁶¹ Ibid, paragraph [18] and [109(a) – (b)].

¹⁶² AEE, Appendix 16, June 2025.

- 420 The Proposal is identified as having positive economic effects arising from contributions to employment and the provision of additional industrial land capacity, with corresponding positive effects for the functioning of the industrial land market and contributions to the regional economy (by way of value added) during both the construction and operational phases of the development.
- 421 In summary, it was the opinion of Ms Hampson, the EIA author, that the Project would generate the following economic benefits:¹⁶³
- (a) Total Project Value Added (GDP): Estimated at \$7.24 billion (\$3.0 billion NPV) over the 20-year period to 2045;
 - (b) Employment Support: The Project is projected to support a total of 52,199 FTE years over the 20-year period to 2045;
 - (c) Operational Significance: By 2045, the occupying businesses will contribute approximately \$6.76 billion in total value added; and
 - (d) Construction Impacts: Land development is expected to contribute up to \$28M in total value added over a 5-year period and building construction contributes \$451 million in total value added and support 3,567 FTE years over 10 years.
- 422 For context, the Canterbury regional economy in the year to March 2024 was \$51.7 billion, and the maximum annual net impact of the development is \$510M at completion.¹⁶⁴
- 423 Ms Hampson considers that the significance of the economic impacts increases with each stage, but that it is not linear. She considers that Stage 1 alone does not reach a threshold of regionally significant benefits, but the Project as a whole does.¹⁶⁵

¹⁶³ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 1, 25 February 2026, paragraph [18].

¹⁶⁴ Ibid, paragraph [28].

¹⁶⁵ Ibid, paragraph [30].

- 424 We note that there is some uncertainty regarding the benefits associated with Stage 4 of the development, as the evidence indicates that the delivery of that stage is dependent on land acquisitions.
- 425 The economic costs of the Proposal are described as “limited” by the AEE.¹⁶⁶ It identified the loss of some productive rural land, including highly productive land as defined by the NPS-HPL.
- 426 We accept the long-term productive capacity of the Site for ongoing or new agricultural activities is not likely to be great, having regard to constraints on irrigation availability and the need to manage nitrogen run-off. We also consider and accept the loss of a small amount of productive land, around 8.1 ha, or 0.07% of total planted vegetable crop land in the Canterbury Region, is modest in the regional context. The implications of this loss are considered further in the balance of our assessment of the effects and in our evaluation of the NPS-HPL in Part H.
- 427 As the Application progressed however, the need to consider additional economic costs or disbenefits became apparent through the s 53 comments of CCC and the release of decisions under the FTAA that provided further guidance on the role of a cost-benefit analysis under the Act.¹⁶⁷
- 428 In its comments CCC expressed uncertainty as to the ability to properly assess the Application in the absence of a cost-benefit analysis. We discuss this concern in depth later in this decision and conclude that there is no legal requirement for a cost-benefit analysis and that some costs or disbenefits may appropriately be assessed on a qualitative basis.
- 429 In the meantime, following further evidence from the Applicant, we have now been provided with information on the potential transport-related economic disbenefits associated with the timing (i.e. delay) and funding of Upgrades to the Intersections and the nearby rail crossing. Those disbenefits have now been quantified in monetary terms in the further economic material provided by the Applicant.

¹⁶⁶ AEE, paragraph [162].

¹⁶⁷ For instance, the decision on the Waihi North Project [FTAA-2504-1046], 18 December 2025, and the (albeit) draft decision on the Sunfield Development.

430 Elsewhere we record the procedural steps that resulted in the additional evidence, but materially the Applicant produced the following additional information:

- (a) A further memorandum from Savvy, dated 25 February 2026, providing additional economic information (**February Savvy Memo**);
- (b) An undated memorandum from Davie Lovell-Smith, discussing the timing of infrastructure upgrades and enabling works and their associated costs; and
- (c) A letter dated 24 February 2026 from the Applicant's National Development Manager, describing the "delivery" of the development, including timing and financial considerations.

431 No party produced any further evidence in response.

432 The February Savvy Memo identifies and monetises specific economic disbenefits that would occur if the development proceeded without upgrades to the Intersections. These are:

- (a) *Traffic Congestion*: By 2038, the opportunity cost of increased vehicle delays at the Intersections is estimated at approximately \$5.66 million annually;
- (b) *Road Safety*: The marginal increase in annual crashes attributable to the Project by 2038 is estimated to result in injury-related costs of approximately \$74,179 per year; and
- (c) *Foregone Primary Production*: The opportunity cost associated with the loss of primary production from the existing horticultural land on the Site once development commences. The Savvy analysis assumes this cost arises from 2027 when Stage 1 land development begins and reflects the foregone economic output that would otherwise be generated from that land in agricultural use.¹⁶⁸

¹⁶⁸ Above n 164, paragraph [46].

- 433 This additional evidence is helpful and assists us in understanding both the positive economic benefits and the potential economic disbenefits of the Proposal. We consider these matters further in our assessment of the overall economic impacts of the Proposal in Part G: Regional or National Benefits of the Project.
- 434 Finally, we record that despite some differences between the Applicant and CCC regarding the methodology and magnitude of the economic effects, there is broad agreement that the Proposal would generate a positive contribution to the regional economy if approved. We examine those differences and discuss them in detail in our evaluation of the significance of the regional benefits in Part G.

Urban design

- 435 The effects of the Proposal on urban form and urban design have been assessed by Novo Group in the aforementioned Urban Design and Visual Amenity Assessment included as Appendix 11 to the AEE. In addition to describing the proposed changes to urban form, the assessment evaluates the Proposal against the ‘seven C’s’ of the New Zealand Urban Design Protocol, namely Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.
- 436 Novo Group finds that, while the Site currently exhibits a rural-residential character, it is located within a diverse and transitional land use context that includes established IGZ land at Waterloo Business Park to the east, RUF land to the west, and recreational open space associated with the Templeton Golf Course and Specific Purpose (Ruapuna Motorsport) Zone to the north. It considers that the District Plan anticipates this form of adjacency between the IGZ and RUF zones, and that the surrounding character is capable of accommodating the proposed transition from rural land use to industrial development.¹⁶⁹
- 437 In urban design terms, Novo Group considers that the Proposal adopts a deliberate and coordinated approach to industrial subdivision through the distribution and clustering of lot sizes, with smaller lots along Barbers Road responding to the adjoining rural-residential context and a 5 m landscaped buffer providing effective screening and softening. The connected street network and integrated layout are also identified as enhancing legibility, functionality and adaptability, supporting the Site’s role as a well-

¹⁶⁹ AEE, Appendix 11, July 2025, paragraph [32].

planned industrial area within a transitional urban environment. Overall, the urban design assessment concludes that the Proposal will support future industrial growth and can be integrated into the receiving environment without significant adverse urban design effects, consistent with the New Zealand Urban Design Protocol, MfE Principles and the NPS-UD.¹⁷⁰

Comments received

- 438 CCC's comments address urban design matters and are informed by technical input from the Council's Senior Urban Designer, Mr Field. Mr Field considers the Site is well located in proximity to the existing Waterloo Business Park and existing transport links, and that the proposed shared path linkage through Reserve Lot 200 connecting to passenger transport services on Waterloo Road and the 'South Express Major Cycle Route' would, if well designed, positively contribute to pedestrian and cycle connectivity.¹⁷¹
- 439 CCC notes that it would be beneficial to co-locate the proposed finer grained (800 m²) lots with one of the proposed reserve areas to create a central area with a higher degree of amenity (potentially including hospitality uses) for future workers on the Site. It also recognises that relocating the stormwater reserve to a more central location may not be feasible given land gradient and stormwater drainage requirements (including gravity drainage to treatment/disposal locations).
- 440 While not raised in CCC's transport comments, Mr Field questions (from an urban design perspective) the need for two access roads onto Barters Road and considers that the access road between Lots 51 and 52 could be removed to avoid nuisance effects on neighbouring RUF zone residents.
- 441 Overall, CCC considers the design and layout of the subdivision as proposed is appropriate, but that there is potential for minor changes in site arrangement that would not be detrimental to delivering a well-designed industrial layout.¹⁷²

Applicant response to comments

¹⁷⁰ Ibid, paragraph [44].

¹⁷¹ Section 53 Comments by CCC, Appendix 9, 30 October 2025, paragraphs [13] and [17].

¹⁷² Section 53 Comments by CCC, 19 June 2025, paragraph [136].

- 442 Beyond the amendments adopted by the Applicant in relation to landscaping and visual amenity impacts, and transport related connections beyond the Site, as described, it does not propose other changes to the development from an urban design perspective.

Panel findings

- 443 Noting the close agreement between relevant experts, we are satisfied the development sufficiently and appropriately considers and responds to recognised urban design principles.

Regionally significant infrastructure

Aircraft – birdstrike risk

- 444 The AEE states that the proposed SMAs require consent under the District Plan Birdstrike Management provisions. The AEE assesses the scale and significance of any birdstrike risk as very low, noting that the stormwater basins are small in scale and have been designed to rapidly drain, with infiltration and overflow capacity to ensure ponded water does not persist beyond 48 hours following a 2% AEP rainfall event. It states that these design measures, which are proposed to be secured by consent conditions, limit the potential for the basins to function as avifauna attractants. It is also noted in the AEE that planting within the SMAs will be limited to non-bird-attracting species in accordance with the District Plan. On this basis, the AEE concludes that, subject to appropriate design and management controls, the Proposal is not expected to result in adverse birdstrike effects.¹⁷³

Comments received

- 445 The comments received from CCC address birdstrike risk. CCC notes that the Site is not located within the Birdstrike Management Area and therefore considers that District Plan Rule 6.7.4.3.3 RD2 does not apply. Notwithstanding this, CCC considers it prudent to assess birdstrike risk given the Site's location within the District Plan airport protection surface overlays.
- 446 CCC notes that the creation of new habitat attractive to birds within the wider environs of the airport can generate new bird movements, including flocks or individual birds

¹⁷³ AEE, paragraph [197].

flying to those habitats from other locations. Such movements may bring birds into contact with aircraft operating at lower altitudes. CCC also notes that birds may be attracted to the Site during construction activities, including vegetation removal, earthworks, and the placement of topsoil, gravel, or mulch.

- 447 CCC recommend measures to limit the extent of open bare substrate, shallow ephemeral ponding, and other habitat features that may attract birds to the Site. The Applicant has proposed adopting Council's standard consent conditions relating to birdstrike risk associated with stormwater facilities and bird management during construction. With these conditions in place, CCC considers that the effects on and of avifauna (including bird strike potential) are rendered less than minor and acceptable.¹⁷⁴
- 448 DoC recommended amendment be made to the proposed conditions to ensure the Bird Management Plan (**BMP**) includes a clear objective and more detailed requirements for the preparation and certification of the plan. An additional amendment was recommended requiring that as much construction work as possible should occur outside the bird breeding season to reflect the recommendation made by the Applicant's consultant regarding this matter.

Applicant response to comments

- 449 The Applicant made no specific response to comments received on this potential impact.

Panel findings

- 450 We find the design and scale of the SMAs, species selection and landscaping design, and control methods to apply throughout construction and operation, including the amendments proposed by DoC, will satisfactorily minimise the risk of bird strike impacts adversely affecting airport/aircraft operations. We will impose conditions accordingly.

Reverse sensitivity

- 451 In the context of the Application, the AEE identifies that the potential for reverse sensitivity effects primarily relates to noise-generating activities in the vicinity of the Site – most notably, Christchurch International Airport and Ruapuna Speedway. The AEE

¹⁷⁴ Above n 173, at paragraph [169].

notes that noise-sensitive activities within the proposed industrial development could give rise to complaints if not appropriately managed. Such activities are described in the AEE as including residential uses, guest accommodation, education activities, retail activities, commercial services and offices.

- 452 The AEE explains that these potential reverse sensitivity effects are addressed through the scope of activities sought to be enabled through the Application and the proposed consent framework. In particular, the conditions proposed in the Application expressly excludes residential activities, residential units, visitor accommodation and education facilities from the activities sought to be enabled by the RMA Approvals.
- 453 The AEE further notes that the IGZ provisions proposed to apply to the Site do not permit commercial services and only enable retail and office activities where they are ancillary to industrial activities. Stand-alone office activities are not provided for. Any ancillary office or retail components associated with industrial activities would be required to comply with the relevant acoustic insulation standards for activities near Christchurch International Airport. On that basis, the AEE states that the Proposal will not result in any unacceptable reverse sensitivity effects.¹⁷⁵

Comments received

- 454 Comments received from CRC note, from a reverse sensitivity perspective, that the proposed consent conditions are appropriately designed to avoid adverse effects on the efficient operation, use, development, upgrade, and safety of Christchurch International Airport, which is regionally significant infrastructure.¹⁷⁶ CRC further note that no noise sensitive activities are proposed for the Site and do not raise any specific reverse sensitivity concerns in relation to airport operations.
- 455 The comments received from CCC note that, having regard to the separation between the Site and surrounding rurally zoned land, reverse sensitivity effects on rural productive land uses are unlikely to arise.¹⁷⁷
- 456 Ara Poutama Aotearoa, the Department of Corrections occupies 805 ha of Crown Land located adjacent to the Site, diagonally opposite at the corner of Barbers Road and

¹⁷⁵ AEE, paragraph [201].

¹⁷⁶ Section 53 Comments by CRC, Appendix 5, 15 October 2025, pg. 27.

¹⁷⁷ Section 53 Comments by CCC, 19 June 2025, paragraph [51].

Maddisons Road. The Department's comments note that this land contains two operational prisons and an extensive mixed farming operation, including a large-scale free farm piggery, sheep and beef rearing, and cropping activities. The farming operations are lawfully established, are authorised by current resource consents, and are relied upon as part of the Department's training and rehabilitation for offenders. The piggery and associated composting and land-application of bedding material and liquid waste can result in odour emissions that may be detectable beyond the boundary of the Department's land.

- 457 The Department considers that, given the potentially wide scope of future land uses that may be enabled on the Site, there is a risk that activities sensitive to the effects of its lawfully established farming operations could establish, with odour being a particular concern. The Department therefore requests that we take reverse sensitivity into account when considering the Application, and notes that its concerns could be addressed through a consent condition requiring 'no complaints covenants' to be registered on the subdivision titles in favour of the Department's land, or through an alternative condition that achieves a similar outcome.¹⁷⁸

Applicant response to comments

- 458 The Applicant has further consulted with the Department on the reverse sensitivity issues raised, and in response has clarified that the proposed condition restricting 'sensitive activities' now utilises that term as defined in the District Plan, and also now volunteers further conditions requiring the registration of a 'no-complaints' covenant on any new allotment created within 200 m of the Crown land at 555 West Coast Road (Sec 4 SO 19454). The Department has confirmed the proposed changes to conditions relieve their concerns.¹⁷⁹

Panel findings

- 459 Having regard to the specific exclusions and restrictions on land use activities imposed by the proposed conditions, we consider that the potential for reverse sensitivity effects is reduced, and the likelihood of such effects arising is low.

¹⁷⁸ Section 53 Comments by Department of Corrections, 4 November 2025, pg. 3.

¹⁷⁹ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 10, 16 December 2025.

460 We find that the reverse sensitivity matters raised by the Department of Corrections, will be appropriately managed by the proposed conditions and have imposed a no complaints covenant condition.

Climate change and emissions

461 In support of the Application, Lumen Limited has prepared a Greenhouse Gas Emissions Overview of the Proposal. Lumen's report is attached as Appendix 19 to the AEE. The assessment provides a high-level, qualitative evaluation of greenhouse gas emissions considerations associated with the proposed industrial subdivision and future development of the Site, with a focus on location, design, and operational characteristics.

462 In terms of accessibility, Lumen identifies that the Site is located within approximately 2.5 km of the established residential areas of Hornby and Templeton and is well connected to public transport and active transport networks. The Site also benefits from proximity and direct access to the strategic arterial road network, including State Highways 1 and 73, Christchurch International Airport, and the adjacent Waterloo Business Park. These factors are identified as supporting shorter travel distances for employees, customers, and freight, which in turn supports lower transport-related greenhouse gas emissions, compared with development in less accessible locations.

463 Lumen also notes that the flat topography of the Site and solid ground conditions reduced the need for extensive earthworks and deep foundations, thereby limiting embodied carbon associated with construction materials such as concrete and steel. In addition, the subdivision layout makes efficient use of existing surrounding infrastructure, reducing the extent of new horizontal infrastructure required to support the development.

464 Overall, Lumen concludes that, having regard to its location and design attributes, the Project is well positioned to support reduction in greenhouse gas emissions over time, particularly in comparison to alternative, less accessible industrial development locations. Lumen does not identify any significant adverse effects relating to greenhouse gas emissions arising from the Project.¹⁸⁰

¹⁸⁰ AEE, Appendix 19, 29 June 2025, paragraph [62].

465 Lumen also identifies a range of opportunities to further enhance sustainability and energy efficiency outcomes within the development, including through energy efficient building design, the use of low-carbon materials, on-site renewable energy generation, and support for electric vehicle infrastructure. These measures are not however proposed as mandatory requirements and would need to be imposed or encouraged by the developer or voluntarily adopted by future occupiers, recognising that such measures may not be feasible or appropriate for all industrial activities. The Applicant has indicated that it will encourage the up-take of energy and water efficient technologies where possible.¹⁸¹

Comments Received

466 No comments were received raising issues regarding climate change and greenhouse gas emissions.

Panel findings

467 Based on the advice provided by Lumen, we are satisfied that any actual or potential effects of the Proposal relating to climate change and greenhouse gas emissions are less than minor and acceptable.

Three waters

468 Included with the Application is an Infrastructure Report authored by Mr Inness of Davie Lovell Smith.¹⁸² The Report discusses the proposed Three Waters Infrastructure, which is all proposed to be the responsibility of CCC at the time of this decision. Two supplementary statements on Infrastructure Servicing by Davie Lovell Smith were received on 6 October 2025 and 19 December 2025.

Water supply

469 The Site will be supplied from a connection to the public water supply network at the corner of Barbers and Waterloo Roads and a new connection and public water supply

¹⁸¹ AEE, paragraph [204].

¹⁸² AEE, Appendix 12, June 2025.

main along Waterloo Road from the TBPS, located approximately 1.3 km east of the Project's proposed connection point.

- 470 The Applicant identifies that water supply to the Site is a known constraint, affecting both operational water supply and firefighting supply. We have been advised the primary issue is the pressure available within the network, which at this time is dependent on the limited size of the existing pipes and the booster pumps at the TBPS.
- 471 The Infrastructure Report relies on modelling undertaken on behalf of CCC to assess the effect of the development on the existing network. The modelling showed the current base scenario (with no project demand) was generally acceptable but there were already areas that had sub-optimal pressure available. With the project demand added, the modelling indicates that, network pressures in the Templeton township would reduce significantly and the existing network (including the TBPS pumps) could not meet requirements for Fire Water classification FW4 or FW3 without network upgrades.
- 472 Additionally, the Infrastructure Report identifies that because the 200 mm main along Waterloo Road is the only pipe to the Site, and there is a lack of back-up pumping capacity at the TBPS, there is little redundancy in the network.
- 473 To address the constraints in the network, the Applicant's original proposal included a 200 mm connection to the public network at the corner of Pound and Waterloo Roads, a second connection to the public network at the corner of Barters and Waterloo Roads together with the installation of an on-site water storage tank of approximately 1,000 m³ and associated onsite pumps. Both of the proposed connections were fed by the same 200 dia pipe along Waterloo Road. It did not propose any upgrades to the surrounding public network on the basis of cost and the complexity of working in the road reserve and traffic disruption.

Comments received

- 474 In its s 53 comments, CCC identified water supply as an unresolved issue. Of the options the Applicant had presented to it, its preference was for upgrades to the existing network.
- 475 In her evidence for CCC, Ms McDonald confirmed that the current public water supply network does not have capacity to service the Project and that significant upgrades to

the network, including the mains between the TBPS and the Site, the TBPS itself and pipes into the TPBS, would be required to achieve the required levels of service.¹⁸³ Ms McDonald's principal recommendations were:

- (a) The TBPS and its feeder mains be upgraded to provide FW4 (100 L/s) fire flow. If lesser pump upgrades were used, allotments should be advised that only the lower FW3 fire flow is available via consent notices;
- (b) The preferred connection point is at Barters Road and Waterloo Road to take advantage of existing infrastructure; and
- (c) The alignment of the proposed infrastructure at CCC's preferred connection point is to be determined in line with a comprehensive design process between the Applicant and CCC, including an Infrastructure Provision agreement (**IPA**).

476 Ms McDonald states that if the upgrades to the public network do not achieve a FW4 fire flow service level and the Applicant instead chooses a FW3 fire flow level service for the subdivision, a consent notice is required on all subdivision allotments that the fire service flow is limited to FW3.

Applicant response to comments

477 At the Project Overview Conference, the Applicant advised that following consideration of the CCC's s 53 comments and further discussions, agreement in principle had been reached with CCC to provide upgrades to CCC's public water supply network to service the Project generally in line with CCC's preferred solution.

478 In a supplementary infrastructure servicing memorandum, the Applicant identified a revised servicing strategy without an onsite water storage tank and involving upgrades to the public water supply network between the TPBS and Pound Road, with pipe sizes, the need for booster pump upgrades, and the extent of works to be confirmed through hydraulic modelling and detailed design undertaken in consultation with CCC.¹⁸⁴

¹⁸³ Section 53 Comments by CCC, Appendix 2, 22 October 2025, paragraphs [7.1] and [13].

¹⁸⁴ AEE, Appendix 12 Addendum, undated but received 6 October 2025.

479 The Applicant provided a further response¹⁸⁵ in which it stated that there is capacity for the proposed Project, provided the relevant upgrades are made. It goes on to accept that the upgrades will include upsizing of pumps contained within the TBPS and upsizing of its feeder mains, but that further modelling is required to confirm sizes and it has amended a condition to address that. It also states that the developer will need to identify the final Fire Water classification that it wants.

Issues in contention

480 There are no remaining issues in contention, although we note that there is the matter of the desired subdivision fire water supply demand for the Applicant to consider before the modelling and final suite of upgrades is completed.

Panel findings

481 We consider the Site is generally suitable for an industrial development. However, such a determination is always subject to the adequate provision of services for the eventual land use. The actual water supply issue was how the Site would be serviced and the impact of the new land use on the existing network.

482 The Applicant and CCC appear to have engaged productively and have reached agreement in principle on the upgrade solution and general form of the conditions.

483 While the modelling of the network has not been finalised to determine the extent and sizing of the upgrades, we are comforted by Mr Inness' statement received on 19 December 2025 that the extent of works includes upsizing of feeder mains into the TBPS as sought by CCC. As a result of the agreement reached with CCC, the further modelling proposed and the imposition of conditions to give effect to that agreement we are satisfied that the operation of the network and effects on other water supply users will be acceptable with the project demand included.

484 The Applicant will need to determine their desired level of Fire Water flow demand before the final extent and sizes of pipe and booster pump upgrades can be confirmed through the hydraulic modelling. In the case of the Applicant selecting a fire fighting flow demand for the subdivision which is less than the relevant standard normally

¹⁸⁵ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 5, undated.

requires, we consider that consent notices are required on the titles of the proposed subdivision allotments to identify the available supply - such that if any future owners require a higher level of service they must implement their own on site water supply augmentation measures (such as an onsite tank). We are advised by CCC that there is a new draft fire-fighting water supply standard and that the conditions should reference that. We do not consider it appropriate to refer to a draft standard in the conditions and have instead reworded the water supply condition such that a flow rate for the fire flow demand is used instead of the FW3 or FW4 classifications or draft future classifications.

485 On the basis that the Applicant has committed to servicing the Project via the public water supply network, that it has agreed to the general scope of upgrades identified as needed by CCC, and that the required infrastructure will be designed and constructed in accordance with CCC engineering standards, we are satisfied that water supply to the Project is feasible and can be implemented to an acceptable standard.

486 We have reviewed and, subject to some general drafting amendments to allow for the Applicant identifying the fire flow level of service, are satisfied the Applicant's suggested wording reflects our understanding of the agreement reached between it and CCC with respect to the water supply conditions.

487 The remaining conditions proposed by CCC are imposed to ensure that the design and construction of public water supply infrastructure is undertaken in accordance with the IDS and standard engineering acceptance processes. We likewise confirm those conditions.

Wastewater

488 As for water supply, the Application identifies constraints in the surrounding public wastewater network.¹⁸⁶

489 The existing public network conveys wastewater west to east along Waterloo Road via a DN375 gravity sewer. Approximately 1.6 km to the east, at the intersection of Waterloo

¹⁸⁶ AEE, Appendix 12, June 2025, section 8.

Road and Brixton Street, the sewer increases to DN525, and both the Applicant and CCC agree there is sufficient downstream capacity from that point.¹⁸⁷

- 490 The original servicing proposal in the AEE was a local pressure sewer (**LPS**) system, comprising small-diameter reticulation within the Project and a grinder pump located on each new lot. This would allow for storage of peak flows from each site and off-peak discharges into the public network.
- 491 At the Project Overview Conference, the Applicant advised that agreement in principle had been reached with CCC to move away from the LPS solution and to service the Project via the public wastewater network, subject to further design and modelling.
- 492 The supplementary infrastructure servicing memorandum (referred to above) identified a revised wastewater servicing strategy. This involved a gravity wastewater network within the Site discharging to a dedicated pump station proposed within Lot 202, with a rising main extending from the pump station to connect to the existing public network at the intersection of Waterloo Road and Brixton Street. The Applicant noted that the extent of land required for the pump station was yet to be agreed with CCC.

Comments received

- 493 CCC identified wastewater capacity as an unresolved issue in its Memorandum of Counsel responding to the Panel Convener's Minute 1¹⁸⁸ and provided further comments in its Planning Assessment and in the evidence of Ms McDonald.
- 494 Ms McDonald states that the existing DN375 public sewer in Waterloo Road does not have sufficient capacity to service the proposed Project. However, there is sufficient capacity in the existing network further downstream. She therefore supports a gravity network within the Site itself, a dedicated pump station near the Site and a new piped network discharging to the DN525 sewer at Waterloo Road / Brixton Street, subject to the Applicant undertaking all necessary network extensions and upgrades and providing appropriate odour and corrosion management measures.

Applicant response to comments

¹⁸⁷ Section 53 Comments by CCC, Appendix 2, 22 October 2025, paragraphs [7.2] and [15].

¹⁸⁸ Memorandum of Counsel for CCC responding to Minute 1, 5 September 2025.

- 495 The Applicant provided a further response¹⁸⁹ in which it agreed that there is capacity in the wastewater network for wastewater flows from the proposed Project, provided that the new connection point to the existing public sewer is to the 525 dia pipe at the intersection of Waterloo Road and Brixton Street. It therefore proposes to construct a new wastewater pump station as sought by CCC with a rising main piped to the new connection point. Mr Inness and Ms McDonald have now agreed that the pump station location is to be on the new Lot 202 on Barbers Road and that the size of this lot is subject to detailed design requirements. Mr Inness also advised that the route of the proposed sewer from the pump station to the new connection point can be adjusted such that it meets IDS requirements.
- 496 We understand that while CCC prefers a combination of rising main and gravity main between the new pump station to the new connection point, it now accepts the Applicant's proposed use of a rising main.
- 497 The Applicant identifies that there is an opportunity for the various parts of the proposed new public network to be upsized to allow for future upstream development. The Applicant notes that CCC do not wish to pursue this.

Issues in contention

- 498 There are no remaining issues in contention, although we note that the option of the new pipe from the new pump station to the new connection point, being a rising main and gravity main combination, may be explored further through the detailed design process. We also note that the size of the pump station and extent of Lot 202, the route of the proposed pipeline to the new connection point, the odour treatment system and corrosion protection are all to be finalised during detailed design.

Panel findings

- 499 On the basis that the Applicant and CCC agree the Project can be serviced via extensions and additions to the public wastewater network, that the Applicant has agreed to undertake these works and that the required infrastructure will be designed

¹⁸⁹ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 5, undated.

and constructed in accordance with CCC engineering standards, we are satisfied that an acceptable method of wastewater servicing has been identified.

- 500 We are satisfied that the proposed IPA and detailed design process with CCC approval will resolve the sizing of the new pump station and land requirement for Lot 202, the choice of pipe and route from the pump station to the connection point and the details of the odour treatment system and corrosion protection.
- 501 We have substantively adopted the wastewater conditions proposed by CCC, with minor amendments for clarity that are set out in the CCC subdivision consent conditions in Appendix A.

Stormwater

- 502 This section addresses the management of stormwater during the operational phase of the Project, once the subdivision and land use consents have been implemented. Stormwater management during the construction phase and any potential flooding matters are addressed in separate sections below.
- 503 The existing topography of the Site falls gently to the south-west. The land use is presently a mix of rural and semi-rural activities with limited paved surfaces or built development. Soils at the Site are described in the KGA geotechnical report as layers of silt and sand overlying fine to coarse gravel, forming part of the unconfined to semi-confined aquifer system underlying the Canterbury plains.¹⁹⁰ Two existing stormwater channels / overland flow paths cross the Site and are expected to convey stormwater only during extreme rainfall events. Flood mapping indicates limited flooding on the Site, with runoff generally directed toward Pound Road and accumulating in the existing CCC stormwater basin at the corner of Waterloo and Pound Roads.
- 504 The proposed development largely maintains the general fall of the land toward the south and east. Internal roads will contain piped stormwater infrastructure and will also function as overland flow paths during extreme rainfall events. The two existing overland flow paths will be filled.

¹⁹⁰ AEE, Appendix 5, 30 June 2025, section 4.3.

505 The Application describes two mechanisms through which stormwater discharges will be managed and authorised:¹⁹¹

- (a) Stormwater from building roofs on the future lots will be discharged to ground via on-site soakage systems sized to accommodate the 2% AEP rainfall event. Regional consents for these discharges are sought from CRC as part of the suite of fast-track approvals; and
- (b) Stormwater from public roads, reserves and individual lot hardstand areas will be collected, treated and discharged through communal treatment and infiltration systems, including two infiltration basins located near the southern corner of the Site and the proposed Pound Road roundabout. These discharges are intended to occur under CCC's existing Global Discharge Consent.¹⁹² which forms part of the existing regulatory framework for stormwater management in Christchurch and is not itself before us.

506 The Application excludes stormwater discharges associated with hazardous or industrial activities.¹⁹³ Any such activities would require separate authorisation.

507 Stormwater from individual lot hardstand areas must be pre-treated prior to connection to the public stormwater network and the combined treatment in the public soil infiltration basins. This requirement is to be implemented through consent notices on the titles of the future lots. Stormwater discharges in excess of the infiltration basin capacity will be directed to rapid soakage chambers to the natural gravels immediately adjacent to the infiltration basins.

Comments received

508 Mr Brian Norton, on behalf of CCC, advised that he supports the Applicant's proposed approach to stormwater management.¹⁹⁴ He considers the preliminary stormwater design to be generally consistent with CCC's Waterways, Wetlands and Drainage Guide, noting that detailed engineering design and landscape review will be required

¹⁹¹ AEE, paragraphs [232] - [241].

¹⁹² CRC252424

¹⁹³ As set out in the Canterbury LWRP Schedule 3.

¹⁹⁴ Section 53 Comments by CCC, Appendix 1, 24 October 2025, paragraphs [6], [9] and [16].

through the engineering plan acceptance process. He recommends the imposition of conditions to ensure that both stormwater quality and quantity effects are appropriately mitigated.

- 509 CRC advised that it has not identified any material matters of contention in relation to stormwater effects, subject to the imposition of appropriate conditions. CRC also advised that the Applicant's proposed stormwater conditions are sufficient and that no changes are required in respect of stormwater discharges to groundwater.¹⁹⁵

Applicant response to comments

- 510 In its s 55 response, the Applicant advised that there was near full alignment between it and CCC on the proposed three-waters infrastructure, subject to minor amendments to the conditions.

Panel findings

- 511 Stormwater management for the Project reflects a commonly adopted approach for industrial development in Canterbury, involving infiltration-based treatment systems and on-site soakage.
- 512 We place weight on the evidence of Mr Norton and the advice of CRC that the proposed stormwater management approach is consistent with established stormwater management practice and is capable of meeting the relevant performance standards through the detailed engineering design process.
- 513 We also note that the Applicant has worked with both CCC and CRC to develop the proposed stormwater management approach and associated consent conditions.
- 514 Having considered the evidence and the proposed mitigation measures, we are satisfied that the potential effects of stormwater discharges will be appropriately managed through the proposed treatment and infiltration systems, together with the consent conditions recommended by CCC and CRC, including requiring the vesting of

¹⁹⁵ Section 53 Comments by CRC, 4 November 2025, pg. 6 and 7.

the completed stormwater infrastructure in CCC, subject to compliance with “relevant Council standards”.¹⁹⁶

- 515 We note that the proposed stormwater consents do not authorise certain discharges, including hazardous substances listed in Schedule 3 of the LWRP. Should such activities occur in future, the relevant operators will need to obtain separate authorisation from CRC.
- 516 We also note that stormwater infrastructure on Lots 200 and 201 is proposed to be vested in CCC, subject to compliance with the Council’s relevant standards.
- 517 We have made some changes to the proposed conditions requiring stormwater treatment to clarify the use of private pre-treatment devices within allotments or proposed public devices serving larger catchments.

Water quality

- 518 We have considered the effects on of the Proposal on groundwater and surface water quality within our assessment of effects throughout Part F and therefore, to avoid repetition, have not addressed them in a separate sub-part (as we did in the draft). Likewise, the activities that could give rise to discharges and potential effects are assessed separately elsewhere in this decision, including construction-phase activities (earthworks, contaminated land) and operational-phase stormwater discharges.
- 519 We confirm we have read and considered the comments of parties on water quality issues, including those from CRC and CCC on recommended conditions. We understand that the consent conditions have largely been agreed between the Applicant and the consent authorities.
- 520 We are satisfied that we have sufficient information to assess the potential effects of the Project on surface and groundwater quality. Having considered the evidence and the comments, we find that the effects of discharges, including stormwater and construction-phase discharges on groundwater and surface water quality will be appropriately managed through the imposition of conditions of consent

¹⁹⁶ Section 53 Comments by CCC, 19 June 2025, paragraph [77].

Ecology (freshwater and terrestrial) and biodiversity

The Site ecology

- 521 The Site's ecological values have been assessed through ecological investigations undertaken by Wildland Consultants Limited and Instream Consulting Limited. The findings are reported in detail in the terrestrial ecological assessment attached to the AEE as Appendix 7, together with the Appendix 7 Addendum in relation to potential wetlands at 111 Pound Road, the LMP attached as Appendix 8 (as updated), the lizard release site update provided in the Applicant's supplementary material and the aquatic ecology assessment attached as Appendix 9.
- 522 The Site is located within the Low Plains Ecological District of the Canterbury Plains Ecological Region and is situated on the western fringe of Christchurch District. The Site is primarily actively grazed and cultivated farmland, containing farm buildings, dwellings and associated gardens.
- 523 The vegetation on the Site is highly modified and dominated by exotic pasture grasses, crops, and trees. While twenty indigenous vascular plant species were recorded, only one species was naturally occurring, with the remainder associated with planted gardens and boundaries. Overall, the vegetation present is assessed as being of low ecological value.¹⁹⁷
- 524 With regard to avifauna, thirteen bird species were recorded during site surveys, including three indigenous species that are not threatened. While the Site provides habitat for some bird species, the highly modified nature of the habitats and dominance of exotic vegetation means overall avifauna habitat values are unlikely to be high.¹⁹⁸
- 525 Targeted lizard surveys were undertaken across the Site using Artificial Cover Objects, which were deployed for approximately six weeks and checked on multiple occasions between 24 April and 8 May 2025. We have recorded in Part B that these surveys confirmed the presence of southern grass skink (*Oligosoma aff. polychroma* Clade 5), with eight individuals captured and a further 37 sighted. The skinks are protected under

¹⁹⁷ AEE, Appendix 7, 6 June 2025, sections 6.1, 9.0 – 10.0.

¹⁹⁸ Ibid, sections 5.4 and 6.1 – 6.2.

the Wildlife Act. No other lizard species identified in the initial desktop assessment were detected.

- 526 Given the confirmed presence of the southern grass skink, an LMP has been prepared by Wildlands and updated as part of the Application. The LMP forms part of the application for a wildlife approval under the Wildlife Act.
- 527 In relation to aquatic ecology, an artificial water race flows along Barbers Road and partially within the Site. This feature forms part of the PWRN and is not considered a natural hydrological feature of the landscape, although it may contain limited aquatic ecological values.¹⁹⁹
- 528 Potential wetland areas previously identified on aerial imagery within the property at 111 Pound Road have now been investigated and assessed by Wildlands, as documented in the Appendix 7 Addendum. That assessment confirms that no wetlands meeting the definition under the RMA or the NPS-FM are present on the Site.

Herpetology

- 529 We have had regard to the targeted lizard survey results and the confirmed presence of southern grass skink on the Site, as summarised earlier in this decision, together with the LMP prepared by Wildlands and updated as part of the Application.
- 530 The Proposal will result in the disturbance and loss of existing lizard habitat from vegetation clearance and earthworks, as noted above requiring a Wildlife Approval. The information requirements for Wildlife Approvals under Schedule 7 FTAA²⁰⁰ are addressed through the LMP and supporting material in Appendix 25. The LMP establishes a staged and precautionary framework for the salvage, relocation and management of lizards during construction. This includes salvage by suitably qualified and DoC-approved herpetologists, alignment of salvage activities with the staged construction programme, relocation to approved off-site release locations, habitat enhancement at those locations, and post-release monitoring to assess outcomes and inform any adaptive management required.

¹⁹⁹ AEE, Appendix 9 – Aquatic Ecology Assessment, 16 June 2025, sections 3.2 - 3.3 and 5.

²⁰⁰ FTAA, Schedule 7, cl 2.

531 The LMP concludes that, while the Proposal will result in the loss of lizard habitat and potential construction-related risks, the proposed salvage, relocation, habitat enhancement and monitoring measures will reduce the significance of effects on lizards, such that effects following management will be less than minor.²⁰¹ The Lizard Release Site Update memorandum provided by Novo Group confirms approval of Weedons Ross Road Sanctuary (primary) and Kōwhai Grove (secondary) as release sites and explains capacity and staging constraints.

Freshwater ecology

532 Instream Consulting Limited assessed the freshwater habitat and ecology at the Site. The Aquatic Ecology Assessment is attached as Appendix 9 to the AEE.

533 Instream identified no natural surface water features on the Site, or likely to be present within approximately 100m of the Site. A water race forming part of the PWRN flows along Barters Road, with a short section extending into the Site at 94 Barters Road. Instream notes that this water race is an artificial watercourse and does not meet the definition of a river under the LWRP. Notwithstanding its artificial origin, the water race may support limited aquatic values due to the potential presence of native fish. The section of the race within the Site is mapped as 'obsolete' and exhibits intermittent flow.

534 To assess the aquatic values of the water race, Instream undertook a Rapid Habitat Assessment and fish surveys. The surveys identified very low habitat values, with fish presence limited to two upland bully (*Gobiomorphus breviceps*).²⁰²

535 The Proposal will result in the removal of the internal artificial waterway. To mitigate this loss and to enhance the aquatic and riparian values of the Barters Road drain, a 5 m wide landscape strip is proposed between the waterway and future development. Indigenous planting is proposed within this strip, in accordance with CCC's streamside planting guidance.

536 In relation to the installation of the culvert within the Barters Road drain, Instream advises that culvert design should be consistent with the New Zealand Fish Passage Guidelines (2024) and reviewed by a suitably qualified experienced freshwater

²⁰¹ AEE, LMP updated, October 2025, section 12.0.

²⁰² AEE, Appendix 9, 16 June 2025, section 3.2.

ecologist. Instream further recommends that mitigation be implemented for works within the bed of the waterway, including isolation of the affected reach and the undertaking of fish salvage, with all necessary permits in place. Fish salvage is also recommended prior to infilling of the internal artificial waterway within the Site.

- 537 With the recommended mitigation measures in place, Instream assesses the effects on aquatic ecology values as very low. Instream further concludes that there are no adverse impacts that reach the threshold of a sufficiently significant adverse impact for the purposes of s 85 FTAA.²⁰³

Terrestrial ecology

- 538 The terrestrial ecological values of the Site have been assessed by Wildland Consultants Limited. The Terrestrial Ecological Assessment is attached as Appendix 7 to the AEE.
- 539 The assessment comprised a desktop review and site walkover surveys to identify ecological values and potential effects in relation to vegetation and flora, avifauna and invertebrates.²⁰⁴ In summary, Wildlands found that the Site is highly modified and dominated by exotic pasture, crops, shelterbelts, and planted trees, with no remnant indigenous vegetation. Only one naturally occurring indigenous plant species (fireweed) was recorded, which is common and of low ecological value. While exotic vegetation within the Site may provide some habitat for indigenous fauna, including birds and lizards, these habitats are highly modified and not of high ecological value. Wildlands assessed the Site against the ecological significance criteria in the CRPS and the NPS-IB, and on that basis considered the Site to be ecologically significant due to the potential presence of southern grass skink, New Zealand praying mantis, and tōrea / South Island pied oyster catcher; however, only southern grass skink was confirmed during site surveys.

²⁰³ Ibid, section 5.

²⁰⁴ The assessment also included lizards, albeit that is discussed separately in the above section of this report.

- 540 In relation to vegetation and flora, Wildlands considers that the potential adverse effects of the Proposal will be negligible, having regard to the highly modified nature of the Site and the predominance of exotic pasture and cultivated land uses.²⁰⁵
- 541 In terms of effects on avifauna, Wildlands considers that the Proposal will result in minor adverse effects associated with habitat modification and loss. Given the limited ecological value of avifauna habitat within the Site and the availability of more suitable habitat within the surrounding area, affected species are expected to relocate naturally. To manage potential construction-related effects, Wildlands recommends that vegetation clearance and earthworks be undertaken outside of the bird breeding season where practicable, and that, if the works are required during the breeding season, an avifauna management plan be implemented.
- 542 Potential effects on terrestrial invertebrates are assessed by Wildlands as minor.²⁰⁶ While some existing habitat will be lost as a result of the redevelopment of the Site, only limited areas were identified as having potential to support notable invertebrate values. Wildlands notes that avoidance of these areas is not always possible for a subdivision of this nature. Landscaping proposed as part of the Proposal will, however, provide opportunities for the creation of new invertebrate habitat.
- 543 Wildlands recommends that effects on terrestrial ecology be managed through conditions of consent, including requiring the preparation and implementation of a Dust Management Plan for site works, and the completion of a pre-construction survey to identify any breeding birds and implementation of an avifauna management plan where breeding birds are identified.
- 544 Wildlands consider that, with the implementation of the recommended management measures, the potential adverse effects of the Proposal on terrestrial ecology will be no more than minor. On that basis, Wildlands concludes that there are no adverse impacts that reach the threshold of “sufficiently significant” such that they need to be taken into account in terms of an assessment under s 85 FTAA.²⁰⁷

Comments received

²⁰⁵ AEE, Appendix 7, 6 June 2025, section 7.2.

²⁰⁶ Ibid, section 7.5.

²⁰⁷ Ibid, section 10.0.

- 545 Comments received from Whitiora on behalf of Ngāi Tūāhuriri note that the Site does not contain values of high cultural significance. Whitiora expect the development of the Site to be undertaken in accordance with best practice, enforced through conditions of consent, including conditions requiring the implementation of ecological management plans for lizards and fish.
- 546 Comments received from DoC support the proposed enhancement of lizard habitat at the release sites and the proposed 0.41 ha of remediation planting within the development site. DoC considers that, over time these measures will result in an overall increase in the quality and quantity of lizard habitat. DoC recommends that we require a final LMP incorporating any updated habitat landscape design specific to the Kōwhai Grove release site, rather than the previously proposed Templeton Golf Club release site.
- 547 DoC recommends amendments to the CCC and CRC consent conditions to ensure that ecological management plans include clear outcomes, objectives, information requirements, and certification processes. In particular, DoC recommends that:
- (a) The CCC subdivision conditions for the BMP include a clear objective to avoid, or otherwise minimise, adverse effects on threatened or at-risk indigenous bird species, require works to occur outside the bird breeding season where practicable, and set out detailed preparation and certification requirements;
 - (b) CRC land use consent conditions for the Fish Management Plan (**FMP**) include a clear objective for managing fish during instream works and require certification confirming consistency with the objective and consent conditions; and
 - (c) CCC subdivision conditions for the LMP include specific provisions for lizard habitat enhancement and remediation.
- 548 Comments received from CRC, informed by the Council's terrestrial and aquatic ecologists, address both lizard and ecology effects. In relation to lizards, CRC notes that while avoidance of some areas of lizard habitat on the Site would represent the best outcome, it is satisfied with the revised LMP and considers the proposed conditions are appropriate.

- 549 In relation to aquatic ecology, CRC agrees with the Applicant's assessment and the proposed methodology for culvert installation within the water race and accepts its proposed conditions. It also agrees with the Applicant's wetland assessment that no natural inland wetlands are present on the Site.
- 550 Comments received from CCC, informed by the Council's ecologists and EOS Ecology in relation to aquatic ecology, raise a number of matters. In relation to lizards, CCC notes that McCann's skink has been recorded within approximately 1.5 m of the Site and considers it would be prudent to include this species in the Wildlife Approval application to avoid the need for subsequent permit variations.
- 551 CCC identifies several matters in the Applicant's revised LMP that, in its view, require further attention to ensure compliance, ecological integrity, and successful lizard translocation outcomes. These include:
- (a) Concerns that the Weedons Ross Road release site is an active release site for other lizard relocations, and that the estimated release of 230 – 460 lizards is unsupported by site-specific carrying-capacity information, raising potential concerns about ecological oversaturation;
 - (b) Concerns that the Kōwhai Grove secondary release site may be vulnerable to flooding and fire, which could be detrimental to any released lizard population, particularly given the proposed number of lizards relative to the Site's size;
 - (c) The absence of clarity regarding how post-release monitoring at the Weedons Ross Road release site would align with, or affect, existing monitoring programmes, including potential cumulative effects on habitat and lizard welfare;
 - (d) A lack of detail regarding how proposed predator control measures would integrate with, or complement, any existing predator control at the Weedons Ross Road release site; and
 - (e) The absence of lizard habitat plans for the now proposed Weedons Ross Road and Kōwhai Grove release sites, noting that the habitat plans attached to the LMP related to the previously proposed Templeton Golf Club release site.

- 552 In relation to aquatic ecology, CCC considers that the Application does not adequately assess the effects of the proposed culvert within Barthers Road water race, including effects on fish passage, flows, and sediment generation during construction. CCC recommends that a suitably qualified and experienced freshwater ecologist assess these effects.
- 553 CCC further recommends that planting within the 5m buffer along the water race extends to the waterway edge on the development side, and that planting exclude cabbage trees (*Cordyline australis*) and harakeke, due to potential maintenance and scale issues. CCC also queries the inclusion of oioi (*Apodasmia similis*), noting it is more typically associated with coastal environments. Long-term maintenance of the planting could be addressed through consent notices on individual titles.
- 554 CCC generally supports the proposed aquatic ecology-related conditions, subject to minor amendments. These include recommending that freshwater mussels be covered by fish salvage conditions, requiring the use of fish screens during salvage activities, and the inclusion of a condition requiring the culvert to be designed and installed in accordance with the New Zealand Fish Passage Guidelines, with the design reviewed by a suitably qualified freshwater ecologist.
- 555 In relation to avifauna, CCC agrees with the Applicant that avifauna values within the Site are low, and considers it unlikely that at-risk South Island pied oystercatcher or banded dotterel have bred on the Site in recent years. CCC recommends that, as far as practicable, construction works occur outside the bird breeding season, and that works undertaken during the breeding season include mitigation measures to avoid more than minor disturbance, injury, or mortality. With the Applicant's proposed adoption of Council's standard bird management conditions, CCC considers that construction-phase effects on avifauna will be less than minor and acceptable.
- 556 The comments received from the Canterbury Aoraki Conservation Board note that the proposed lizard relocation plans generally align with recommended guidelines for such activities, provided that the recommendations of CCC and DoC are implemented.

Applicant response to comments

- 557 In relation to freshwater ecology effects, the Applicant notes the general agreement reached between the Applicant's and CRC's expert advisors, subject to some minor amendment of proposed conditions.²⁰⁸
- 558 In response to the comments provided by CCC's advisors, EOS, the Applicant rejects the need for further assessment of the impacts on the PWRN and modification of some related conditions. The Applicant observes the compliance achieved with relevant design requirements meaning the culvert installation in a network waterway is a permitted activity where consent has been obtained for the same work from the regional council. It further notes that no other changes, closure, piping or discharge are proposed. It is also reluctant to make the changes to the water permit conditions of suggested by CCC, when CRC has expressed its acceptance.
- 559 The Applicant does adopt modifications suggested for the landscaping strip adjacent the water race, including retaining existing bankside vegetation where practicable, and representing those changes in the revised landscape plan and related subdivision conditions.
- 560 Similarly, the Applicant accepts inclusion in the proposed conditions of the relocation of freshwater mussels (Kakahi) if encountered during salvage efforts.
- 561 The Applicant is not inclined to modify the Proposal or proposed conditions in response to DoC's suggestions regarding fish salvage, instead relying on their proposed FMP approach as being both sufficient and less onerous.
- 562 In terms of terrestrial ecology and possible impacts, the Applicant notes the substantial agreement now reached between the experts as to managing lizard salvage and relocation, with the adoption of an updated LMP, and similar agreement reached as to suitably managing potential impacts on avifauna, with some minor adjustment of related conditions.

Panel findings

- 563 On the expert evidence and assessment provided, we are sufficiently assured the approach to avoiding or otherwise managing possible adverse impacts on the

²⁰⁸ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 7, 16 December 2025.

freshwater ecology and related values will be adequate given the nature of the related works and the circumstances of the Site.

- 564 We accept the conclusions of the Applicant, and the adequacy of the approach with respect to fish salvage, however we consider the amendments to conditions proposed by DoC to be more robust and legally sound than those proposed by the Applicant and have incorporated those changes into the CRC land use consent conditions set out in Appendix B.
- 565 Having regard to the confirmed lizard values on the Site, the conservation status of the species present, and the management measures secured through the Wildlife Approval and the LMP, we are satisfied that the effects of the Proposal on native lizards will be appropriately avoided and mitigated to the extent practicable. Any residual adverse effects on herpetological values will be minor and acceptable in the context of the Proposal.
- 566 We considered the comments made by the Applicant and DoC on the draft conditions and have accepted their changes relating to the Avifauna conditions of the CCC subdivision consent and the Wildlife Approval. Regarding the inclusion of named personnel in condition 5 of the Wildlife Approval, we accept the Applicant and DoC's agreement that the personnel should be named to allow DoC to retain oversight of the personnel handling wildlife and require a permit variation to change this. We also accept DoC's position that condition 12 is to be retained, however we note that it is unusual to include a condition of this type as it doesn't bind the approval holder to anything not already required by the statute.
- 567 We are also satisfied that, with modified conditions, any adverse impact of the Proposal on other terrestrial ecological values will be of low significance and acceptable. We will return to this finding in our final assessment of the approvals under the Wildlife Act.

Acoustics / vibration

- 568 The noise effects of the Proposal have been assessed for the Applicant by Powell Fenwick, with the acoustic assessment attached as Appendix 4 to the AEE. The assessment identifies the primary noise effects as arising from future industrial activities, increased traffic generation on the surrounding road network, and construction activities.

- 569 In assessing these potential effects, Powell Fenwick describes the existing noise environment as elevated relative to a typical rural setting, based on site-specific noise monitoring. The principal contributors to the existing noise environment include aircraft movements associated with Christchurch International Airport, road traffic on Pound Road, Barbers Road and Hasketts Road, and, more intermittently, noise from Ruapuna Park. Noise from quarry activities further to the north and north-west was not identified as a significant contributor to the existing noise environment.
- 570 Powell Fenwick concludes that ambient noise levels in the area are already elevated and, at some locations and times (particularly at night), exceed the District Plan rural zone noise limits by up to approximately 10 dB.²⁰⁹
- 571 The Proposal enables land use activities consistent with those anticipated in the IGZ, which adjoins the RUF zone at a number of locations around Christchurch. Powell Fenwick considers that the District Plan noise standards anticipate this interface and, from an acoustic perspective, does not identify any fundamental incompatibility between the proposed industrial activities and the adjacent rural environment.
- 572 The primary operational noise effect relates to noise from future industrial activities on the Site affecting nearby rural dwellings. Powell Fenwick assessed potential effects on dwellings at 7 Hasketts Road, 1 and 18 Maddisons Road, 33, 41, 45, 55, 61, 75 and 79 Barbers Road, noting that:²¹⁰
- (a) The dwelling at 7 Hasketts Road is derelict and no longer used for residential purposes;
 - (b) 1 Maddisons Road and 75 Barbers Road appear to be used, at least in part, for truck parking, and are therefore not used solely for residential purposes;
 - (c) Industrial activities on lots adjacent to Barbers Rd (Lots 44 to 55 and Lot 1) are unlikely to exceed the applicable District Plan Rural noise limits; and

²⁰⁹ AEE, Appendix 4, 17 June 2025, section 5.1.

²¹⁰ Ibid, sections 3.2, Table 3.1 and 5.4.

- (d) Lots fronting Barters Road are arranged with internal access, such that yard activities are likely to be located away from the rural-residential interface.

573 Powell Fenwick notes that there is a greater risk of night-time noise exceedances where activities involve yards, truck manoeuvring, or building openings close to and facing Barters Road. However, Powell Fenwick considers that operators would be expected to consider noise effects as part of their operational due diligence and to implement reasonable physical or managerial mitigation measures where night-time operations are proposed. On that basis, it does not recommend additional noise-specific restrictions beyond the standard IGZ noise limits for these lots.

574 In relation to noise from increased traffic generation on surrounding public roads, Powell Fenwick concludes that predicted increases in road traffic noise at nearby rural dwellings are generally in the order of approximately 1–2 dB, with no increase on some roads, and that these changes would result in negligible additional noise effects.²¹¹

575 Construction activities will involve the use of heavy machinery and may generate temporary noise and vibration effects. Powell Fenwick identifies NZS 6803:1999 as the appropriate standard for managing noise effects from construction activities, noting that the standard provides recommended noise limits and guidance on methods for predicting and managing construction noise, including circumstances where recommended limits may not be met.

576 Powell Fenwick makes the following conclusions and recommendations in relation to identified sensitive locations:²¹²

- (a) 14 Hasketts Road is surrounded by the proposed development and already experiences elevated noise from surrounding roads, Ruapuna Park and aircraft movements. Powell Fenwick recommends acoustic boundary fencing around the Site, and noise limits of 55 dB LAeq and 75 dB LAm_{ax} for noise from adjacent industrial activities, to be secured by condition;²¹³

²¹¹ Ibid, section 6.2.

²¹² Ibid, sections 5.4 and 9.

²¹³ 14 Hasketts Road holds resource consent for the development and operation of a temple.

- (b) For lots adjoining Templeton Golf Course, Powell Fenwick considers that night-time noise limits are unnecessary, as the course is not occupied at night, and recommends assessment against daytime noise limits only; and
- (c) Lot 44 (formerly Lot 43) is a larger lot that could accommodate higher-noise activities such as container handling. Powell Fenwick recommends a site-specific noise assessment if such activities are proposed.

577 Overall, Powell Fenwick concludes that the operation of industrial activities enabled by the Proposal will result in minimal adverse noise effects on nearby rural dwellings, and that the existing noise environment is suitable for industrial activities to operate, subject to the implementation of the recommended noise and vibration management measures.

Comments received

- 578 Comments received from Cass Jones and Gemma McLaughlin of 33 Barthers Road raise concerns that the proposed development would result in increased noise effects, which they consider would detract from the rural character of the area. They request that heavy industrial activities not be permitted on the Site, that the existing roadside hedge be retained in perpetuity, and that a bund be installed on the development side of the hedge prior to construction to reduce noise effects.
- 579 Comments received from John and Philippa Borlase of 45 Barthers Road note their concerns about potential increase in noise and the effect this may have on the quiet and tranquil character of their property. They also request that consideration be given to the potential effects of noise on livestock and horses kept on the site.
- 580 CCC's Environmental Health Officer considers that development of the Site can comply with the District Plan noise limits at neighbouring properties. CCC further notes that while additional traffic movements associated with the Proposal may increase noise levels at the closest properties by approximately 1-2 dB, this increase is unlikely to be noticeable above existing background noise levels.
- 581 In relation to 14 Hasketts Road, where construction of a temple is underway, CCC considers that the District Plan night-time noise limits would not apply, as the activity is not expected to involve sleeping accommodation. CCC considers that the applicable daytime noise limits can be achieved with the provision of an approximately 2.2 m acoustic fence along the Site boundary.

- 582 CCC also comments that Powell Fenwick's proposed condition requiring a site-specific acoustic assessment if container storage or similar higher-noise activities are on proposed on Lot 44 is unnecessary, on the basis that such activities would be required to comply with the District Plan noise limits or otherwise obtain a resource consent, enabling potential noise effects to be appropriately managed.
- 583 Overall CCC considers that noise effects associated with the Proposal, including during construction, can be adequately managed. It acknowledges that the nature of noise generated on the Site will change from that currently experienced in a rural environment but considers that this change will not result in significant adverse effects where compliance with the District Plan noise limits at neighbouring properties is achieved.

Applicant response to comments

- 584 The Applicant relies on the technical acoustic assessment regarding compliance with the relevant District Plan noise standards and the assessment that the residents of the nearest residential properties will experience no notable difference to the enjoyment of their properties, in concluding the potential noise impacts of the industrial development will be acceptable.
- 585 The Applicant has however adopted the minor amendment to conditions suggested by CCC regarding the management of potential noise in relation to 1 Maddisons Road.

Panel findings

- 586 We conclude the potential for adverse noise impacts is to be acceptably managed in the context of the local environment and with the mitigations proposed. We particularly note the agreement of the relevant experts as to the acceptability of predicted noise given predicted traffic generation and the nature of activity enabled by the development and comparison with the relevant standards of the District Plan and similar industrial/rural environments. Accordingly, it is not considered necessary to install bunding or impose other or further noise mitigation measures.

Natural Hazards

- 587 Subdivision under the RMA requires consideration of natural hazard risks. In January 2026 a new NPS-NH was released which requires decision-makers to consider the risks associated with natural hazards when assessing subdivision proposals. The hazards

identified in that instrument include flooding, landslips (land instability or subsidence), coastal erosion, coastal inundation, active faults, liquefaction and tsunami. Of these hazards, flooding, land subsidence, active faults and liquefaction may potentially be applicable to the Site.

- 588 The Site is not located within any Flood Management Area identified in the District Plan.²¹⁴ Two existing stormwater channels or overland flow paths traverse the Site and are expected to convey stormwater only during extreme rainfall events. Available mapping indicates that flooding across the Site is limited.²¹⁵ The partial flood map provided in the Infrastructure Report shows runoff from the existing Site generally draining toward Pound Road and accumulating within the existing CCC / NZTA stormwater basin located at the corner of Waterloo Road and Pound Road. The Applicant therefore anticipates that any flooding would be confined to lower-lying parts of the Site.
- 589 Table 6 of the KGA Geotechnical report summarises the Site's susceptibility to a range of natural hazards considered in that assessment, including erosion, falling debris, slippage or lateral movement, subsidence and inundation. It concludes that the Site is suitable for subdivision, subject to the recommendations and further investigations outlined in its report.
- 590 A number of proposed consent conditions and design measures address potential flooding risk. These include requirements that the development does not cause ponding or drainage nuisance on neighbouring properties, that site grading directs runoff toward the internal road network, and that earthworks are undertaken in a manner that avoids flooding effects on adjoining land. The conditions also require a site-specific flooding assessment for the post-development scenario, minimum building freeboard levels, and compliance with the IDS.
- 591 Geotechnical-related natural hazard risks are similarly proposed to be managed through conditions requiring engineered fill where necessary, additional geotechnical testing, and mitigation of any liquefaction or lateral spreading risks identified through detailed design.

²¹⁴ AEE, Appendix 5, 30 June 2025, section 4.4; AEE, Appendix 12, June 2025, section 3.2.

²¹⁵ AEE, Appendix 12, June 2025, Figure 1.

Comments received

- 592 Ms McDonald, on behalf of CCC, reviewed the KGA Geotechnical Assessment in relation to geotechnical matters and natural hazard risk. Ms McDonald concludes that there are no risks that would preclude development of the Site and that the Proposal will not give rise to adverse effects on neighbouring properties.²¹⁶
- 593 Mr Norton, who undertook the stormwater assessment for CCC, did not identify any flooding hazards affecting the Site and recommended a number of standard stormwater-related consent conditions.

Applicant comments

- 594 Ms Brown, on behalf of the Applicant, provided advice regarding the application of the new NPS-NH. Her conclusion was that the Project is consistent with the relevant provisions and that the risk of natural hazards affecting the Site is low.²¹⁷

Panel findings

- 595 We consider that there is sufficient information available to enable us to assess the Proposal and the associated natural hazard risks. We find that there is no significant risk from natural hazards for the purpose of s 106 RMA. We have generally accepted the proposed conditions addressing the remaining natural hazard risk.

Geotechnical

- 596 KGA Geotechnical Group Ltd has undertaken geotechnical investigations of the Site on behalf of the Applicant and assessed its suitability for subdivision and development having regard to geotechnical constraints.
- 597 The existing topography of the Site slopes gently toward the south-west. The land use is currently used for rural and semi-rural activities and contains relatively limited paved surfaces or buildings. KGA describes the soils as comprising a layer of topsoil overlying layers of silt and sand (of varying thickness up to approximately 4 m), underlain by fine

²¹⁶ Section 53 Comments by CCC, Appendix 3 - Evidence of Yvonne Dawn McDonald, 15 September 2025, paragraph [29].

²¹⁷ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 5, 24 February 2026, at paragraph [17].

to coarse gravels forming part of an unconfined to semi-confined aquifer system of the Canterbury plains extending to depths greater than 40 m deep.

- 598 KGA assessed the likely geotechnical performance of the Site. The soils were classified as Class D in accordance with NZS 1170.5:2004. The potential for liquefaction was assessed as negligible and the risk of lateral spreading as low. The risk of static settlement under typical industrial and commercial building loads was also considered to be low. The shallow soils may be subject to minor swelling and shrinkage movements. As a general indicator of expected performance, the Site may perform similarly to Technical Category 1 soil under MBIE guidance for residential land.
- 599 KGA made a number of recommendations relating to the bulk earthworks phase and recommended that further geotechnical investigations be undertaken for future buildings on each subdivided lot.
- 600 It was unable to undertake investigations on some properties at the time the Site investigations were carried out. While the conclusions of the report may apply to those areas, this requires confirmation through further investigation. Drawing 1.5 identifies that additional geotechnical investigations are required prior to the subdivision of the proposed lots, generally within parts of Stages 3 and 4 shown on the DLS Scheme Plan.

Comments received

- 601 Ms McDonald, on behalf of CCC, reviewed the KGA Geotechnical Assessment in relation to geotechnical matters. She advises that there are no geotechnical or natural hazard risks that would preclude development of the Site, and that these matters can be appropriately addressed through the proposed conditions of consent and the CCC engineering plan acceptance process.

Applicant response to comments

- 602 The Applicant did not provide any further specialist technical information in response to the comments received.

Panel findings

- 603 We consider that there is sufficient information to assess the Proposal and the potential geotechnical effects associated with the development. We accept Ms McDonald's

advice that these matters can be appropriately addressed through the proposed consent conditions and the CCC engineering plan acceptance process.

Construction Effects

- 604 The following section considers effects related to the construction phase of the Project. These include earthworks, construction-phase stormwater discharges, the installation of a culvert in the PWRN, land contamination, dust management, construction noise and construction traffic.
- 605 These matters also link to other sections of this decision, including Stormwater, Freshwater Ecology, Traffic and Noise sections, where these effects have been identified and, in some cases, assessed.
- 606 Part B describes the Site as currently used for rural and rural-residential activities and comprising of grass and pasture coverage with shelter belts on several sides, together with a number of residential buildings and ancillary farming structures. A variety of pastoral uses have occurred on the Site over time. The land generally slopes gently down toward the south and west.
- 607 The construction phase involves approximately 175,000 cubic metres of earthworks, with excavation to subgrade of approximately 3.0 to 3.5 m below existing ground levels. The Applicant expects that a balance of cut to fill will be achieved. Bulk earthworks will involve excavating the internal roads first and then using that material to fill adjacent development lots. The earthworks concept is illustrated in Appendix A of the Infrastructure Report and shows the proposed grading directing runoff away from the Site boundaries toward the internal road network.
- 608 Preliminary Site Investigations, DSIs, and a RAP have been undertaken by Momentum Environmental Ltd and are summarised in its report dated May 2025. As discussed earlier, the investigations identified several small, localised areas of contamination associated with historic waste burning activities where soil concentrations exceeded applicable human health standards. Limited areas of asbestos-containing material and total petroleum hydrocarbons were also identified.
- 609 The Applicant states that care will be required in managing the effects of earthworks and associated discharges on surrounding properties not included in the development

area, the PWRN, and the existing CCC / NZTA stormwater basins located adjacent to the south end of the Site.²¹⁸

- 610 The Applicant recognises that construction-phase earthworks may result in nuisance dust being carried from the Site during periods of high winds.
- 611 The noise effects of the Proposal have been assessed for the Applicant by Powell Fenwick, with the acoustic assessment attached as Appendix 4 to the AEE.²¹⁹ The assessment identifies potential noise effects associated with future industrial activities, increased traffic generation on the surrounding road network, and construction activities.
- 612 Some parts of the Site require further testing prior to earthworks so that a final DSI can be completed. The areas of identified contamination are to be removed prior to bulk earthworks commencing. Sampling will be undertaken to validate the removal of contaminated soils. The Applicant considers that contaminated soils can be appropriately managed using standard remediation practices and that that the resulting risk to human health and potential runoff affecting waterways or groundwater will be less than minor and acceptable.²²⁰
- 613 An ESCP has been prepared for the development. Works are proposed to be carried out in accordance with CRC Erosion and Sediment Control Toolbox for Canterbury. Topsoil is to be stripped and retained on Site for re-use.
- 614 The bulk earthworks are largely in cut within the Site boundaries, such that the natural fall of runoff will generally be directed away from those boundaries. Earthworks will be sequenced to minimise the period during which soils remain exposed, with a maximum open earthworks area of approximately 5 ha anticipated at any one time. This approach is intended to minimise the potential for erosion caused by wind and rainfall.
- 615 Perimeter controls, including silt fences and bunding, are proposed to prevent sediment-laden runoff leaving the Site. These basins will allow sediment to settle and the natural soils on Site to filter runoff as it percolates to groundwater. Groundwater is expected to occur at approximately 15 m below existing ground level, meaning there

²¹⁸ AEE, Appendix 13, June 2025, section 3.

²¹⁹ AEE, Appendix 4, 17 June 2025.

²²⁰ AEE, paragraphs [294] – [295].

will be approximately 10 m of natural silts and sands providing filtration before water could reach the groundwater table. As construction progresses, the temporary basins will be excavated and backfilled as required.

- 616 The Applicant considers that the proposed erosion and sediment control measures will appropriately manage the potential adverse effects of construction earthworks.
- 617 The ESCP will be further developed following the engagement of the construction contractor. Both the ESCP and RAP will require certification by the relevant regulatory authority prior to the commencement of construction.
- 618 Surface water quality in the PWRN may be affected by construction-phase discharges associated with culvert installation works required for the intersection at Barbers Road. These works are addressed further in the Freshwater Ecology section of this decision.
- 619 The Applicant's ecologist recommends mitigation measures for works within the bed of the waterway, including isolation of the affected reach and fish salvage prior to works commencing, with all necessary permits obtained. Fish salvage is also recommended prior to infilling of the internal artificial waterway within the Site.²²¹ With these mitigation measures in place, the ecologist assesses the effects on aquatic ecology values as very low.
- 620 The Applicant has also prepared a Dust Management Plan. The objective of the plan is to ensure that construction activities do not result in offensive or objectionable dust effects beyond the boundary of the Site. The plan recognises that effective dust control is best achieved through mitigation at source and includes trigger levels and mitigation responses to manage dust-generating activities. We note that no operational phase air discharge permits are sought as part of this Application. Any future operational air discharges will need to comply with the Canterbury Air Regional Plan or obtain separate resource consent from CRC.
- 621 A series of consent conditions have been proposed following consultation with CRC and CCC. These conditions address matters including earthworks management, erosion and sediment control, dust management and the installation of a culvert in the PWRN.

²²¹ AEE, Appendix 9, 16 June 2025, section 4.5.

- 622 Construction activities will involve the use of heavy machinery and may generate temporary noise and vibration effects. Powell Fenwick, which prepared the acoustic assessment, identifies NZS 6803:1999 as the appropriate standard for managing noise effects associated with construction activities. That standard provides recommended noise limits and compliance with those noise limits is required by Rule 6.1.6.1.1 P2 of the District Plan.
- 623 An Environment Management Plan, Traffic Management Plans (**TMP**) for construction of the Intersections, and a CTMP are also proposed to manage construction-related traffic effects.

Comments Received

- 624 CCC advised that Ms McDonald reviewed the ESCP and the Dust Management Plan and considers those plans to be adequate as presented. She anticipates that the plans will be further refined through the engineering plan acceptance process. Ms McDonald recommends that the area of exposed earthworks be limited to a maximum of 5 ha at any one time.
- 625 Cass Jones and Gemma McLaughlin of 33 Barbers Road raised concerns that the proposed development may result in increased noise effects, which they consider would detract from the rural character of the area. They request that heavy industrial activities not be permitted on the Site, that the existing roadside hedge be retained in perpetuity, and that a bund be installed on the development side of the hedge prior to construction to reduce noise effects.
- 626 John and Philipa Borlase also express concern that increases in noise, traffic and other disturbances may adversely affect their quiet, rural lifestyle and the welfare of their animals.
- 627 Whitiara Centre Ltd, on behalf of Ngāi Tūāhuriri Rūnanga, commented that it expects the Project to be undertaken in accordance with best practice in relation to dust management during earthworks, with those measures to be enforced through conditions of consent.
- 628 KiwiRail advised during consultation with the Applicant that it had concerns regarding the potential effects of construction traffic on the condition of the nearby rail level crossing.

629 We requested comment on the management of construction noise, traffic and dust on surrounding roads and residents in Minute 16 with the draft decision. No specific comments were received from adjacent property owners. The Applicant and CCC presented updated agreed conditions in which the scope of the CTMP now explicitly includes consideration of noise, dust, vibration and congestion on the surrounding roads. The Applicant pointed out that they would comply with Rule 7.32 of the Canterbury Regional Air Plan with respect to dust and, with respect to noise and vibration, they would comply with District Plan permitted activity conditions.

Panel findings

630 Construction activities will inevitably generate temporary effects including dust, noise and traffic movements. Residents along Barbers Road may experience these effects during certain stages of the Project.

631 Some traffic disruption will be required to carry out road widening works and construct the proposed Intersections, and a TMP will be required by CCC. We also note that the Applicant proposes a cut-to-fill balance for the earthworks, which will reduce the need to transport bulk earthworks to or from the Site.

632 However, we consider that the use of the Barbers Road entrances for construction traffic during all stages of development should be minimised and appropriately managed.

633 The Dust Management Plan includes triggers levels and mitigation measures to control dust at source. An Environmental Management Plan and a CTMP have also been proposed following consultation with KiwiRail. The Applicant has proposed an amendment to the conditions so that construction noise, dust and traffic effects on surrounding roads and residents are addressed. We consider that amendment is appropriate and have incorporated it.

634 We have reviewed the consent conditions proposed by the Applicant and the consent authorities. We have made amendments where we consider they are necessary, including the incorporation of certain management plans (for instance the Dust Management Plan) into other project-wide plans as is routine and to improve integration across the suite of management plans.

635 Subject to the implementation of the proposed management plans and consent conditions, including addressing the matters identified above, we find that the potential construction-phase effects associated with the Project can be appropriately managed.

PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 636 As stated earlier, s 3 FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
- 637 As noted in Part C: Legal Context, when taking the purpose of the FTAA into account when determining the RMA and Wildlife Approvals before us, s 81(4) requires us to consider the extent of the Project’s national and regional benefits.
- 638 Consideration of a project’s national and regional benefits has been described by the Maitahi Village Expert Panel as “essentially a forensic exercise” that panels must reach their own assessment on. The Maitahi 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.²²² It considered that “significant” could be given a working definition of “sufficiently great or important to be worthy of attention; noteworthy”.²²³ We agree with both propositions and adopt these in our assessment.
- 639 We have not been alerted to any significant national benefits of the Proposal. Accordingly, we focus our analysis on the significance of its regional benefits.
- 640 Section 43(1)(b) requires the Application to explain how the project is consistent with the purpose of the Act. The AEE relies on a report by Savvy Consulting to conclude that the Project has regionally significant economic benefits.²²⁴ There are no other significant benefits identified by the Applicant.
- 641 The Bledisloe Wharf Panel noted there is no definition of what a significant regional (or national) benefit might be.²²⁵ However, it pointed out that for a referral application to be processed under the FTAA, s 22 sets out what the Minister may consider when determining significant regional or national benefits. The section says:

- (2) For the purposes of subsection (1)(a), the Minister may consider—
 - (a) whether the project ...
 - (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure

²²² Maitahi Village [FTAA-2502-1009], 18 September 2025, paragraphs [83]- [85].

²²³ Ibid, paragraph [516].

²²⁴ AEE, Executive Summary and paragraph [21].

²²⁵ Bledisloe North Wharf and Fergusson North Wharf Berth Extension, above n 69, from paragraph [285].

- ...
- (iv) will deliver significant economic benefits
- (v) will support primary industries, including aquaculture
- ...
- (x) is consistent with local or regional planning documents, including spatial strategies:

- 642 These criteria are consistent with the purpose of the Act in s 3²²⁶ and while they 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.²²⁷
- 643 We note this Application is for an industrial development, which is not directly contemplated by subs (2)(a). However, an industrial development can clearly have economic benefits (subs (a)(iv)) and often can support primary industries (subs (a)(v)). The AEE focuses on the ‘flavour’ provided by subs (a)(iv) and directs us to economic benefits, including job creation,²²⁸ a ‘significant’ contribution to Christchurch’s gross household income during the construction and operational phases, and other direct and indirect value added.²²⁹
- 644 When undertaking an economic analysis one matter we have been alerted to is the distinction between the assessment of the economic benefits on a gross or net basis. As we discuss below, CCC’s economist has criticised the EIA as not addressing all costs and therefore questioned if the “outcome” would be net positive.²³⁰ He suggests the Application does not properly assess if the “Adverse impacts (costs) are out of proportion relative to the economic benefit”.²³¹
- 645 The FTAA does not explicitly address whether an assessment of benefits is to be undertaken on a gross or net basis. The Panel considering the first Delmore application indicated that a cost-benefit analysis ought to have been used by the applicant’s (for

²²⁶ See Tekapo Power Scheme [FTAA-2503-1035], 3 November 2025, paragraph [337].

²²⁷ Maitahi Village Decision, above n 228, paragraphs [83] – [85]; and Tekapo Power Scheme Decision, *ibid*, paragraphs [338] – [339].

²²⁸ Described in the AEE at paragraph [161] as creating “total employment for around 4,290 FTE years across a broad range of sectors... equivalent to approximately 260 full-time workers on average for 16.5 years”.

²²⁹ AEE, pg. 28 – 29; and Appendix 16, June 2025, pg. 55.

²³⁰ Section 53 Comments by CCC, Appendix 4 – Economic Review, 2025, pg. 14.

²³¹ *Ibid*, pg. 15.

the Delmore approval) economist to assist to determine if the economic benefits meant that application should proceed before appropriate supporting infrastructure was either programmed or completed.²³² We have noted this issue in our analysis of s 84A.

646 In contrast, the Panel hearing the Waihi North Project approvals preferred evidence that:²³³

... 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 kinds 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.

647 The Applicant has pointed out that, at least in terms of s 85, the FTAA does not require a full cost-benefit analysis of all effects, citing the Supreme Court in *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board*.²³⁴ The Waihi North Project Panel reached the same conclusion. While the legislative context is different,²³⁵ we agree *Trans-Tasman Resources* is helpful and that ascribing a monetary cost to environmental, social and cultural costs in all circumstances is unnecessary. This means sometimes a qualitative analysis of environmental, social and cultural benefits and costs is lawful.²³⁶

648 We now move to the forensic exercise described above.

649 The AEE relies on reports by Savvy Consulting and Colliers.²³⁷ Colliers prepared an analysis of the available industrial land in Greater Christchurch²³⁸ and Savvy prepared the EIA.

²³² Delmore, above n 96, paragraph [500].

²³³ Waihi North Project, above n 168, paragraph [784].

²³⁴ [2021] NZSC 127; see Memorandum to the Panel in response to Minute 12, 3 February 2026.

²³⁵ *Trans-Tasman Resources*, *ibid*, was a case under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

²³⁶ The same approach has been adopted to effects assessments under the RMA, see e.g. *Meridian Energy Ltd v Central Otago District Council* [2011] 1 NZPR 482.

²³⁷ AEE, Appendices 16, June 2025, and 17, 11 June 2025, respectively.

²³⁸ Colliers defined Greater Christchurch as Christchurch City, Selwyn District and Waimakariri District. We approach our analysis on the basis that these three districts, while not covering the whole Canterbury region (see Local Government (Canterbury Region) Reorganisation Order 1989), have characteristics (size, population etc) that allow us to make findings on regional benefits.

- 650 The Colliers assessment shows a limited supply of vacant and unencumbered industrial land in the Greater Christchurch area, with a recent increase in annual uptake. It found the current stock in Christchurch City will be exhausted within 8.7 to 10.4 years and a little longer (up to 12.5 years) for the Greater Christchurch area.²³⁹
- 651 Importantly for this Application, Colliers highlighted the Islington/Hornby South area²⁴⁰ as a preferred location for certain types of industrial development, and one that is well recognised as the major logistics ‘hub’ in the city.²⁴¹ It went on to report that three landowners control 42.4% of the available industrial land. Overall, it concludes there is a “diminishing supply” that has resulted in “significant land price escalation over the last three years”, of up to 75%.²⁴²
- 652 The Savvy Report then undertakes an economic assessment and includes useful tables summarising the Colliers analysis before applying it to the Proposal.²⁴³ Savvy’s conclusion is:²⁴⁴

Having considered the spatial framework of the Greater Christchurch’s industrial economy and identifying Islington/Hornby South as a defined locality and market of strong demand in that wider industrial context, Savvy considers that the proposed development will make a valuable and significant contribution to vacant industrial development capacity in that locality and wider region to help meet projected demand and support a competitive industrial land market.

- 653 Thus, the Proposal is expected to have significant economic benefits.
- 654 We note the caveat at the conclusion of the report, which states the Site is not unique in that the “same or similar impacts would²⁴⁵ arise from a development of a similar scale and composition in another location in Greater Christchurch”.²⁴⁶ This is an appropriate acknowledgement that economic benefits identified are not location-exclusive, but it

²³⁹ AEE, Appendix 17, pg. 35.

²⁴⁰ See section 5.3 for a description of that area.

²⁴¹ AEE, Appendix 17, pg. 4.

²⁴² Ibid, pg. 3.

²⁴³ We note that in places Savvy’s report incorrectly refers to the Proposal as a rezoning. While we have not tested this with Ms Hampson (the author) we do not consider this to be anything more than an oversight, given the report recognises elsewhere this is not a plan change, refer pg. 6-7.

²⁴⁴ AEE, Appendix 16, pg. 3.

²⁴⁵ Perhaps that should be ‘could’?

²⁴⁶ AEE, Appendix 16, pg. 73.

does not detract from the conclusion that the Proposal would deliver those benefits if approved.

- 655 A key part of Savvy's analysis was a discussion of the CCC Business Development Capacity Assessment 2023 (**BDCA**), concluding, in summary, that it was out of date and underestimated the land required for modern warehousing and logistics. It points to actual take-up of vacant land and concludes that the BDCA has underestimated industrial land demand and capacity requirements.²⁴⁷
- 656 In its comments, CCC produced an economic review from Formative.²⁴⁸ The Formative review accepted there were regional benefits but considered the magnitude of those benefits overstated. It also identified some disbenefits it was concerned about. Notably, both CCC and NZTA are concerned about the costs that might arise from the Proposal's impact on the Intersections if they are not upgraded. As discussed in our assessment of the economic impacts, we accept that disbenefits arising from these impacts require examination. However, significantly, the Applicant has now identified and monetised some of those disbenefits, although not in a way that answers all of CCC's criticisms.
- 657 The Formative review acknowledged the BDCA demand projections were conservative and likely underestimated demand. However, it maintained there is sufficient vacant supply to meet expected needs, even with increased demand, noting updated projections from CCC indicating that recent development would not lead to insufficient supply.
- 658 Formative concludes that while the Site is suitable for industrial use and would contribute to a well-functioning urban environment, there is not a proven need for more capacity. It predicts demand would fall within the lower range of Savvy's estimates, meaning sufficient capacity for at least ten years.²⁴⁹
- 659 Savvy did not accept the criticisms, pointing out that the CCC modelling was "employment driven" and did not capture relocation of existing activities to locations such as Islington/Hornby South.²⁵⁰ Savvy maintained that the construction and

²⁴⁷ Ibid, pg. 17.

²⁴⁸ Section 53 Comments by CCC, Appendix 4, 2025.

²⁴⁹ Ibid, at pg. 13.

²⁵⁰ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, Appendix 6, 20 November 2025, pg. 6-7.

operation of the development will result in positive economic benefits that would be significant at the regional level, even if there are lower than the estimates in the EIA. It also updated its demand sufficiency assessment, incorporating recent take-up rates in Islington/Hornby South and identifying a higher demand scenario.²⁵¹ This showed that only under the low-demand scenario would there be sufficient capacity over the next ten years.

660 Earlier, Formative characterised Savvy's assessment as treating the Islington/Hornby South area as unique and criticised Savvy's supply and demand analysis. It argued that industrial demand operates at a broader district and regional scale and that businesses can be accommodated in multiple locations. Formative nevertheless accepted that the Proposal would make a "significant" contribution to local supply and assist in accommodating long-term demand.

661 In its comments, CCC agreed the positive economic benefits are likely to be significant at the regional level but expressed uncertainty as to whether these would be proportionate to adverse impacts under s 85 in the absence of a cost-benefit analysis, as noted by Formative.²⁵²

662 For its part, Savvy accepted the drivers of industrial demand are regional or district-wide but maintained that its analysis of demand in Islington/Hornby-South appropriately recognised its wider market context while identifying this area as one of relatively high demand.

663 We consider the Savvy and Formative evidence is closer than may first appear. Both accept that the Proposal would add industrial land capacity in a recognised logistics locality and contribute positively to economic activity. Their principal differences concern the scale and timing of projected demand and therefore the period within which additional capacity may be required, rather than whether economic benefits arise.

664 In particular, Formative accepts the Proposal would make a significant contribution to local supply and assist in accommodating long-term demand, notwithstanding its view that district-wide capacity may remain sufficient over the medium term.

²⁵¹ Ibid, Appendix 2.

²⁵² Relying on the Formative Report, see pg. 22.

- 665 The more material issue raised by CCC is whether the absence of a monetised cost-benefit analysis renders the claimed regional economic benefits uncertain. However, it is important we record that while CCC expressed doubt about this issue it has not given us a clear steer on what we should do if those doubts are well founded.
- 666 We have not accepted that the FTAA requires a full monetised cost-benefit analysis. Consistent with the reasoning of the Waihi North Project Panel, economic disbenefits should be recognised where material and capable of monetary assessment, but environmental and other non-market effects need not be monetised. Rather, we consider that we should consider the economic benefits of the Proposal and then move on to the disbenefits that we have been alerted to and weight the same, as part of our assessment of the extent of the regional benefits and our proportionality assessment.
- 667 We consider the Savvy assessments and s 53 comments, together with the broader effects evidence, provides an adequate evidential basis for our evaluation of the extent of the regional economic benefits and proportionality under s 85. The balance of the impacts are able to be assessed qualitatively based on all of the evidence that we have received.
- 668 In terms of the potential negative impacts on the existing industrial land market arising from Formative's methodological criticisms discussed above, we are not clear if CCC are characterising the issues as leading to an over-supply, and that over-supply as a disbenefit of the Proposal. If it is, the disbenefits from market over-supply have not been shown in its s 53 comments. Rather the analysis it provided tended to focus on methodological errors and differences that did not answer this ultimate question. It focussed on the difficulties it said arose for the Panel in its s 85 assessment, while ultimately accepting that the Proposal will have significant regional benefits.²⁵³ We have already recorded we are not persuaded these difficulties prevent us from undertaking that assessment.
- 669 Other s 53 commentators have alerted us to disbenefits of the proposal relating to noise, greater volumes of heavy traffic and reduced safety at intersections, including Pound Road / Hasketts Road. We have discussed the latter two matters in detail in Parts E and F, where we address transportation effects.

²⁵³ Section 53 Comments by CCC, 19 June 2025, paragraph [297(a)].

Panel findings

- 670 Identified benefits and disbenefits, including loss of HPL, are addressed in our assessment of the effects in Parts E and F.²⁵⁴ Through the course of our assessment we have considered the costs and benefits of the Proposal as presented in the evidence of the Applicant and s 53 commentators. We have also been mindful of the conditions proposed by the Applicant and parties and how those conditions avoid or mitigate adverse impacts, as the Applicant submitted,²⁵⁵ and CCC accepted, could be addressed by conditions.²⁵⁶
- 671 Addressing first the loss of productive rural land, the parties agree that constraints on the productive capacity of the Site, together with the relatively small area affected, mean that the net value added to the regional economy favours industrial development.²⁵⁷ We accept that position.
- 672 We accept Colliers' characterisation of the Islington/Hornby South area as a preferred area for industrial development of the sort contemplated generally by the IGZ.
- 673 We prefer the approach taken by Ms Hampson which identifies the Islington/Hornby South area as an area where certain types of logistics, warehousing and industrial businesses may prefer to locate. That area is therefore capable of providing regional benefits, in the context of the overall demand for industrial land in the Greater Christchurch area, under at least two of the three demand scenarios (at worst) identified by Savvy. We consider that the Applicant's evidence demonstrates this localised supply contribution can translate into regional industrial land capacity. This allows us to find that the local benefit can contribute regionally to the supply.
- 674 Further, the updated demand sufficiency assessment at Appendix 2 of Savvy's s 55 response shows sufficient capacity from existing supply only under the low and conservative growth scenario. We do not consider it necessary to make a prediction about which demand scenario is the most likely scenario to eventuate. However, we note that the medium-term shortfalls are higher in absolute terms under the updated

²⁵⁴ For instance, amenity effects (visual dominance and shading).

²⁵⁵ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, 19 December 2025, paragraph [39].

²⁵⁶ Above n 259, paragraph [296].

²⁵⁷ Above n 256, footnote 9, pg. 10.

assessment. We are prepared to accept that, even if sufficient capacity exists under the low and conservative growth scenario, the provision of the additional capacity under the remaining medium and high scenarios proffered by the Applicant is a positive effect and one of regional significance, albeit potentially realised over a slightly longer timeframe period.

675 We do not consider the differences between CCC and the Applicant regarding the BDCA projections to be determinative of regional benefit. The Proposal has been shown by the Applicant to be a helpful and reasonable response to an identified shortage of supply and “sharp land value inflation”.²⁵⁸ Even if district-wide supply were sufficient in the medium term, there is consistent evidence of strong demand in the Islington/Hornby South locality. Additional capacity in that locality can therefore contribute to regional industrial land supply.

676 It would have been useful if there was a fulsome cost-benefit analysis in the EIA submitted with the Application. We expect this could have identified the disbenefits of not upgrading the Intersection at the outset although we are mindful that the Applicant was negotiating with NZTA and CCC at that time. However, we are not persuaded that the concerns raised by Formative regarding methodology prevent us from undertaking the proportionality assessment required by s 85.

677 Moreover, the Applicant has now produced evidence on what we consider to be important economic costs relating to the Intersection Upgrades and CCC has itself expressed a view on proportionality.²⁵⁹ This allows us to assess disbenefits if the Intersections are not upgraded. We are therefore satisfied we can account for the quantitative and qualitative disbenefits of the Proposal and offset them against the claimed benefits.

678 We find the Proposal will have significant regional benefits on account of:

- (a) The provision of additional industrial land available for development and sale;

²⁵⁸ Memorandum of counsel accompanying the Applicants reply under s 55 of the FTAA, 19 December 2025, paragraph [39].

²⁵⁹ Section 53 Comments by CCC, 19 June 2025, from paragraph [290].

- (b) Direct and indirect employment generated during the construction and operational phases of the Project; and
- (c) Ongoing contributions to regional economic value added, including through facilitating logistics, transport, warehousing and associated industrial activities within the wider Canterbury supply chain.

679 Other quantifiable benefits include:

- (a) \$7.24 billion total project value added (\$3.02 billion NPV) over the 20 year period to 2045;
- (b) A total of 52,199 FTE years over a 20-year period to 2045;
- (c) \$215 million in Value Added impact to total household incomes;
- (d) The occupying businesses will contribute approximately \$6.76 billion in total value added by 2045; and
- (e) Land development is expected to contribute up to \$28M in total value added over a 5 year period and building construction expected to contribute \$451 million in total value added and support 3,567 FTE years over 10 years.

680 The disbenefits include:

- (a) The loss 8.1ha productive rural land;
- (b) Uncertainty arising from the possibility that the Intersections will not be upgraded; and
- (c) If the Intersections are not upgraded there would be an increased risk that the Intersections would not function safely and efficiently. Savvy estimates that by 2038 the additional vehicle delays attributable to the Project could result in opportunity cost of approximately \$5.66 million per year, together with additional crash related injury costs of approximately \$74,179 per year.

- 681 We have outlined the extent of the regional benefits of the proposal above and discussed the disbenefits and other adverse impacts in the decision. We find that the extent of the benefits are regionally significant.
- 682 However, because we have found that the Proposal will cause adverse impacts, a proportionality assessment is required as between the impacts that are significant and the claimed regional benefits of the Project. Most of the adverse impacts discussed above and that we have not addressed through conditions are not, in our view, sufficiently significant to require assessment under s 85(3)(b). The exception are the costs arising from the risk that the Intersections are not upgraded. We find that the disbenefits that are quantifiable in monetary terms are, relatively speaking, modest, although we acknowledge that the safety impacts should not be undervalued.
- 683 As we confirm in Part M, we do not consider the significant regional benefits are outweighed by the economic and other disbenefits arising from the Project.

PART H: STATUTORY DOCUMENTS

684 The AEE addresses the relevant statutory documents and identifies the applicable provisions. Rather than repeat that assessment in full, this Part focuses on the statutory documents of particular relevance to the Application and our conclusions on those documents, having regard to our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant provisions.

Changes to national direction

685 A number of amendments to national direction instruments were made in December 2025 and came into force on 15 January 2026. The Applicant provided a memorandum from Novo Group dated 24 February 2026²⁶⁰ that assessed the applicability of these amendments to national direction to the Proposal. The NPS-NH and the NPS-I are considered potentially relevant by the Applicant and are discussed below.

National Environmental Standards

NES-CS

686 The DSI identifies the Site as HAIL land that does not meet the permitted activity standards, such that a restricted discretionary activity consent is required under regulation 10 NES-CS. In their invited comments on the Application, CCC expressed the view that the Application required a discretionary activity consent under regulation 11 because a DSI has not been completed for all parcels of land within the Application area – specifically 40 Hasketts Road and 111 Pound Road have not been fully investigated.²⁶¹ While that consent is not expressly listed in paragraph [68] of the AEE, we are satisfied that this is a drafting error. The activity has been assessed and addressed elsewhere in the Application, including at paragraphs [130] – [131] and [293] of the AEE, and is specifically provided for through proposed conditions 43-45. We are satisfied that the NES-CS requirements are appropriately addressed. Regarding the activity status of the activities to be authorised by the NES-CS, we consider the activity requires a discretionary activity resource consent for the reasons provided by CCC.

²⁶⁰ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 5, 24 February 2026.

²⁶¹ Section 53 Comments by CCC, Appendix 11 – Evidence of Agnes Van Der Erf, 15 September 2025, pg. 2.

National Policy Statements

687 The relevant National Policy Statements addressed in the AEE,²⁶² Appendix 23 and the 24 February 2026 memo from Novo Group²⁶³ are:

- (a) National Policy Statement on Urban Development 2020 (**NPS-UD**);
- (b) National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**);
- (c) National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**);
- (d) National Policy Statement for Freshwater Management (**NPS-FM**);
- (e) National Policy Statement for Natural Hazards (**NPS-NH**); and
- (f) National Policy Statement for Infrastructure (**NPS-I**).

NPS-UD

688 The NPS-UD came into effect on 20 August 2020 and was updated in December 2021 and May 2022. It sets out objectives and policies for planning for well-functioning urban environments under the RMA. In summary, relevant objectives seek to ensure that:

- (a) New Zealand's towns and cities are well-functioning urban environments that enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, now and in the future;
- (b) Planning decisions contribute to improving housing affordability and enabling more people and businesses to locate in areas with good access to employment and transport;
- (c) Urban environments are able to develop and change over time;
- (d) Urban development is integrated with infrastructure planning and funding; and

²⁶² AEE, at paragraphs [318] – [334]; and Appendix 23, pg. 4 – 14.

²⁶³ Memorandum of counsel accompanying the Applicants response to Minute 11, Minute 14 and the Panel's Further Information Request, Appendix 5, 24 February 2026.

- (e) Urban environments support reductions in greenhouse gas emissions and are resilient to climate change.

689 Christchurch City is a Tier 1 local authority under the NPS-UD.

690 Particularly relevant policies include Policy 1 (well-functioning urban environments), Policy 2 (sufficient development capacity for business land over the short, medium and long term), and Policy 8 (responsiveness to unanticipated or out-of-sequence development capacity).

691 The Proposal is unanticipated by the District Plan, the CRPS and the Greater Christchurch Spatial Strategy (a Future Development Strategy under the NPS-UD). We consider, however, that the Proposal will add materially to industrial development capacity in Christchurch City, providing approximately 42 ha of unencumbered freehold industrial land in the Islington-Hornby South area. The Site is well located in the context of industrial land demand, being adjacent to existing industrial activities and in close proximity to key transport routes and modes.

692 Transport effects and proposed network upgrades are addressed under the transport assessment and relevant planning framework below.

693 The Proposal effectively provides for an outcome akin to an urban rezoning of the Site by way of resource consent. Overall, and having regard to the purpose of the FTAA, we consider the Proposal to be consistent with the NPS-UD.

NPS-HPL

694 The NPS-HPL came into effect on 17 October 2022 and was amended in December 2025. The objective is to protect highly productive land for use in land-based primary production, both now and for future generations.

695 The NPS-HPL directs regional councils to identify and map highly productive land in regional policy statements. Until such mapping is completed, cl 3.5(7) requires the NPS-HPL to be applied on an interim basis, by reference to land that is zoned general rural or rural production (or the nearest equivalent zone) and comprises predominantly LUC 1, 2, or 3 land.

Applicability to the Application

696 Whether the NPS-HPL applies to the Site is a principal issue in contention between the Applicant and CCC. That issue turns on the interpretation and application of clauses 1.3(4) and 3.5(7) of the NPS-HPL, and in particular the identification of the nearest equivalent zone to the General Rural and Rural Production zones.

697 Our findings on that issue, including its determination that the Site is not highly productive land for the purposes of the interim definition and that the NPS-HPL does not apply to the Application, are set out in Part E. For the reasons given in that Part, we find that the NPS-HPL is not applicable to the Application.

Consideration in the alternative

698 For completeness, and without prejudice to that finding, we have also considered the Proposal as if the NPS-HPL were applicable.

699 Clauses 3.6 and 3.7 of the NPS-HPL relate to plan changes and rezoning processes and are not applicable to this resource consent application. As noted in the Novo Group memorandum responding to Minute 11, the provisions relevant to the present Application are clauses 3.8 to 3.10.

700 Clause 3.8 requires territorial authorities to avoid the subdivision of highly productive land unless one of the specified exemption pathways applies. We are satisfied that none of the clause 3.8 exemptions would apply to the Proposal.

701 Clause 3.9 requires territorial authorities to avoid the inappropriate use or development of highly productive land for activities that are not land-based primary production, unless one of the specified exceptions applies. The Proposal is not land-based primary production and none of the cl 3.9 exceptions would apply.

702 Where clauses 3.8 or 3.9 are not satisfied, clause 3.10 allows subdivision, use or development of highly productive land only where the requirements of clause 3.10(1) are met, having regard to clauses 3.10(2) and (3).

703 The Applicant has assessed the Proposal against cl 3.10 through the report of Mr Victor Mthamo,²⁶⁴ which was peer reviewed for CCC by Mr Ian Millner.²⁶⁵ Having considered that evidence, we are satisfied that, if cl 3.10 were engaged:

- (a) The Site is subject to permanent and long-term constraints that mean land-based primary production would not be economically viable for at least 30 years;
- (b) The Proposal would avoid any significant individual or cumulative loss of productive capacity of highly productive land within the district and avoid the fragmentation of large and geographically cohesive areas of such land;
- (c) Potential reverse sensitivity effects on surrounding land-based primary production would be avoided or adequately mitigated; and
- (d) The environmental, social, cultural and economic benefits of the Proposal would outweigh the long-term costs associated with the loss of highly productive land for land-based primary production.

704 Accordingly, even if the NPS-HPL were applicable, we would be satisfied that the Proposal could proceed under cl 3.10 of the NPS-HPL.

NPS-IB

705 The NPS-IB came into effect in July 2023 and has since been amended in October 2024 and December 2025. The NPS-IB seeks to protect and restore the country's unique indigenous biodiversity and provides direction to local authorities on maintaining indigenous biodiversity across Aotearoa New Zealand and managing the adverse effects of activities on indigenous species, habitats and ecosystems.

706 The objective of the NPSIB is:

²⁶⁴ AEE, Appendix 20, 4 June 2025.

²⁶⁵ Section 53 Comments by CCC, Appendix 5, 25 September 2025.

- (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.

707 The Site is highly modified and is dominated by exotic pasture grasses, crops and trees considered to be of low ecological value. However, ecological investigations undertaken for the Applicant identify that parts of the Site provide habitat for indigenous fauna, including skink identified as 'At Risk', as well as, potentially, invertebrates and bird species. On that basis, while overall ecological values are low, parts of the Site are ecologically relevant for the purposes of the NPS-IB.

708 Avoidance of effects on indigenous biodiversity is constrained by the scale and nature of the proposed subdivision and associated infrastructure. However, the Proposal incorporates a comprehensive suite of mitigation measures, including:

- (a) Staged vegetation clearance and earthworks;
- (b) Pre-construction surveys and salvage of indigenous lizards in accordance with the LMP;
- (c) Establishment of enhanced planted corridors and habitat features associated with the Proposal; and
- (d) Long-term management and monitoring requirements secured by conditions of consent.

- 709 These measures have been substantially agreed with DoC and Tangata Whenua.
- 710 Having regard to those measures, and to the conclusions reached in the ecological assessments, we are satisfied that the residual adverse effects on indigenous biodiversity will be appropriately avoided, remedied or mitigated. The Proposal will not result in any overall loss of indigenous biodiversity when considered at the Site scale, and is consistent with the objectives and policies of the NPS-IB.

NPS-FM

- 711 The NPS-FM came into effect in 2011 and was amended in 2014, 2017, 2020, 2024 and 2025. It provides a framework for the management of freshwater.
- 712 In October 2024, the NZ Government made changes to the RMA requiring that consent authorities must not have regard to the objective of the NPS-FM or the hierarchy of obligations in Te Mana o te Wai in cl 1.3(5) when considering resource consent applications.
- 713 Relevant policies of the NPS-FM seek to:
- (a) Ensure the health and well-being of water bodies is prioritised;
 - (b) Improve degraded water bodies and maintaining or improve all others using defined bottom lines;
 - (c) Involve tangata whenua and communities in setting long-term visions for freshwater management; and
 - (d) Avoid further loss or degradation of wetlands and streams, and encourage their restoration.
- 714 The Site contains a single artificial watercourse, which historically formed part of the PWRN but has been heavily modified. The aquatic ecology assessment concludes that this feature has low ecological value. The Application proposes the removal of this watercourse, with works to be undertaken in a manner that avoids downstream effects, including fish salvage where required.
- 715 To mitigate the loss of this feature, the Proposal includes the establishment of a 5m riparian margin with native planting along the adjacent Barters Road water race.

716 Taking into account the technical assessments and proposed mitigation, we are satisfied that the Proposal is consistent with the objective and relevant policies of the NPS-FM.

NPS-NH

717 The NPS-NH was released in December 2025 and came into effect on 15 January 2026. It provides high level national direction for managing natural hazard risk as a first step towards better managing natural hazard risk through the planning system while RMA reform progresses. The objective of the NPS-NH is to reduce the risk from natural hazards to people and property in a proportionate and risk-based manner, while recognising that not all natural hazard risk can be avoided.

718 We are satisfied that the potentially relevant natural hazard risks at the Site relate to flooding and liquefaction and that the risk and consequence is low for both hazards. Accordingly, we consider the Proposal is consistent with the NPS-NH.

NPS-I

719 The NPS-I was released in December 2025 and came into effect on 15 January 2026. The objective of the NPS-I is to ensure that infrastructure is recognised, enabled and protected so that it can deliver national, regional and local benefits.

720 We consider that the Proposal is not entirely consistent with the NPS-I as it will generate adverse effects on roading infrastructure which will constrain roading efficiency and safety. We note that s 17 FTAA requires the NPS-I and other RMA planning documents to be taken into account, rather than given effect to, and that we must give greatest weight the purpose of the FTAA. Accordingly, while the Application is inconsistent with some elements of the NPS-I, those inconsistencies do not outweigh the Proposal's contribution to the purpose of the FTAA.

PART I: REGIONAL AND DISTRICT PLANNING FRAMEWORK

721 An assessment of the relevant regional and district planning documents is included in the AEE, as required by cl 5(1)(h) of Schedule 5 to the FTAA. We have reviewed that assessment, together with Appendix 23 and the comments received from CCC and other invited parties.

722 Rather than repeat that material in full, this Part addresses the regional and district planning documents of particular relevance to the Application and our conclusions on those documents, having regard to our finding on effects and the conditions imposed.

Canterbury Regional Policy Statement 2013

723 The CRPS provides the overarching policy direction for regional and district plans in the Waitaha Canterbury region and seeks to ensure the integrated and coordinated management of land use and infrastructure. The CRPS became operative in 2013 and incorporates a number of subsequent changes. While CRC commenced a review of the CRPS in 2022, that review was paused in November 2024.

724 The objectives and policies of particular relevance to the Application are contained in:

- (a) Chapter 5 - Land-use and Infrastructure;
- (b) Chapter 6 - Recovery and Rebuilding of Greater Christchurch;
- (c) Chapter 7 - Freshwater;
- (d) Chapter 11 - Natural Hazards;
- (e) Chapter 12 - Landscape;
- (f) Chapter 15 - Soils;
- (g) Chapter 16 - Energy;
- (h) Chapter 17 - Contaminated Land; and
- (i) Chapter 19 - Waste Minimisation and Management.

725 The most directly relevant provisions are found in Chapters 5 and 6, which address the location and sequencing of development, including the provision of sufficient land for business activities and the co-ordination of development with supporting infrastructure, particularly transport. These matters are discussed below.

Chapter 5 – Land-use and Infrastructure

726 Objective 5.2.1 seeks that development across Canterbury is located and designed to achieve consolidated, well-designed and sustainable growth, primarily in and around existing urban areas, while enabling communities to provide for their social, economic and cultural wellbeing and ensuring compatibility with regionally significant infrastructure.

727 We consider that the Application is contrary to elements of Objective 5.2.1 to the extent that it enables urban development on land currently zoned for rural purposes. However, the Proposal will deliver a well-designed industrial subdivision adjacent to, and consolidated with, an existing area of industrial land, that is in close proximity to key transport routes and modes. While the Proposal results in the urbanisation of a relatively small area of rural land, including soils of some versatility, we are satisfied that this does not adversely affect the integrity of the wider rural environment of Christchurch.

728 In quantitative terms, the loss of approximately 60 ha of rural land containing soils of some versatility represents around 0.29% of the approximately 16,856 ha of land identified as highly productive land within the Christchurch district.²⁶⁶ In our view, that scale of loss does not undermine the rural environment at a district level.

729 Objective 5.2.3 and Policies 5.3.7 and 5.3.8 relate to the transport network and seek to ensure a safe, efficient and effective transport system that meets community needs at local, regional and national levels. In particular, Policy 5.3.7 seeks to avoid development that adversely affects the functioning of the land transport network or forecloses opportunities for future network development. Our conclusions on transport effects and network upgrades are addressed elsewhere in this decision.

²⁶⁶ Section 53 Comments by CCC, 19 June 2025, paragraph [50]; and Appendix 5, *ibid*, pg. 4.

Chapter 6 – Recovery and Rebuilding of Greater Christchurch

- 730 Objective 6.2.1 establishes the recovery framework for Greater Christchurch and seeks to enable development through a land use and infrastructure framework that, among other things, identifies priority areas for urban development, avoids unplanned urban expansion, integrates infrastructure with land use, and protects rural character and amenity.
- 731 Objective 6.2.2 seeks that the urban form and settlement pattern in Greater Christchurch provides sufficient land for recovery and future growth while achieving consolidation and avoiding unplanned expansion, including by providing for development in identified greenfield priority areas and Future Development Areas where specified criteria are met.
- 732 Policy 6.3.1 gives effect to the urban form identified in Map A of the CRPS, which identifies the location and extent of urban development to support recovery, rebuilding and future growth.

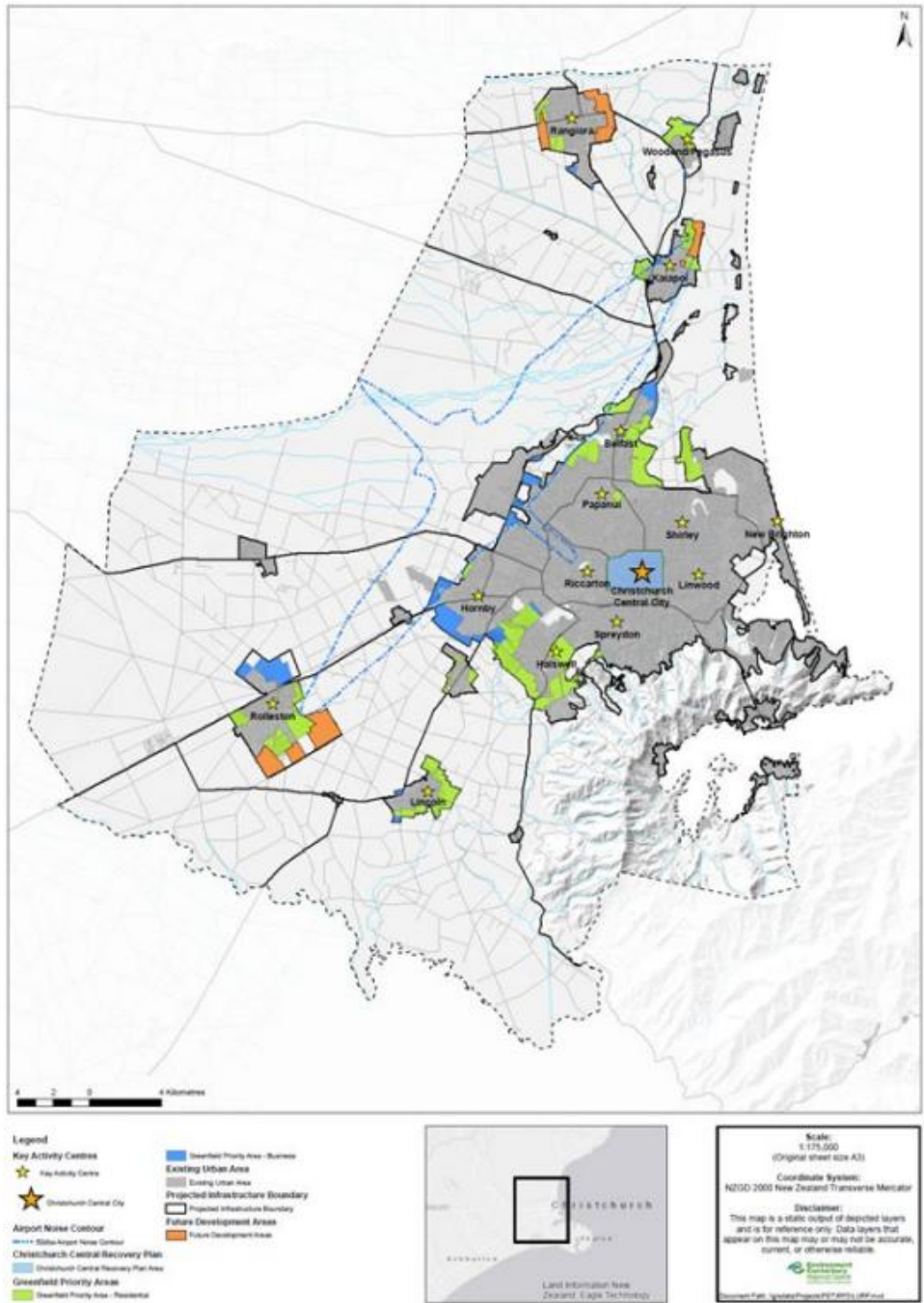


Figure 7: Map A - Greenfield Priority Areas and Future Development Areas²⁶⁷

733 Policy 6.3.5 seeks to assist the recovery of Greater Christchurch through the integration of land use development with infrastructure, including by identifying priority areas and Future Development Areas, coordinating the timing and sequencing of development with the provision and operation of transport and other infrastructure, protecting the

²⁶⁷ CRPS, Map A – Greenfield Priority Areas and Future Development Areas, pg. 92.

efficient and effective functioning of strategic infrastructure and freight hubs, and ensuring that new development does not proceed in advance of appropriate infrastructure being in place.

- 734 We accept that the Application is not located within an area identified for development on Map A and is therefore contrary to aspects of Objectives 6.2.1 and 6.2.2 and associated policies. In policy terms, the Proposal represents out-of-sequence development and will result in a change in the anticipated future environment of the Site.
- 735 However, we also note that the Proposal will provide a well-designed industrial subdivision that is contiguous with existing industrial development, located close to strategic transport routes and modes, and capable of delivering a significant supply of unencumbered freehold industrial land to meet demonstrated demand in Christchurch City. The Application therefore supports Objective 6.2.6, which seeks to identify and provide for Greater Christchurch's land requirements for business growth, particularly industrial activities.
- 736 In considering these matters, as we noted above in relation to the NPS-I, cl 17 Schedule 5 to the FTAA requires RMA planning documents to be taken into account, rather than given effect to, and that we must give greatest weight the purpose of the FTAA. Having regard to that statutory framework, we consider that while the Application is inconsistent with some elements of Chapter 6, those inconsistencies do not outweigh the Proposal's contribution to the purpose of the FTAA. In reaching that view, we are mindful of s 85(4) FTAA, discussed in Part C: Legal Context. While inconsistency with planning provisions is capable of weighing against the grant of approval and therefore may fall within the broad definition of "adverse impact" in s 85(5), such inconsistency does not, of itself, establish that the adverse impacts meet the proportionality threshold in s 85(3)(b).
- 737 Objective 6.2.4 and Policy 6.3.4 relate to transport infrastructure and seek to ensure an efficient and effective transport network that supports recovery and growth. Our findings on transport matters are addressed elsewhere in this decision.
- 738 For the remaining objectives and policies of the CRPS, including those relating to freshwater, natural hazards, landscape, soils, energy, contaminated land, and waste minimisation and management, we have carefully considered the assessments in Appendix 23 of the AEE, and Appendix 5 of the comments received from CRC and have undertaken our own assessment of relevant objectives and policies in the CRPS. There

is broad alignment between the policy assessments undertaken. While the application is contrary to some elements of some of the objectives and policies of the CRPS, subject to the conditions proposed, and assessed in the context of the FTAA, we are satisfied that effects of the Proposal will be appropriately managed and the Application is broadly consistent with, and not contrary to, the CRPS in an overall sense.

Canterbury Land and Water Regional Plan

- 739 The objectives of the Canterbury LWRP seek to manage land and water as integrated resources, safeguard freshwater ecosystems, and maintain healthy and productive soils.
- 740 The Proposal seeks consents for relevant activities under the Plan. We are satisfied that adverse effects on land and water resources will be avoided or managed to acceptable levels through the conditions imposed.

Canterbury Air Regional Plan

- 741 The objectives and policies of the Canterbury Air Regional Plan seek to minimise the adverse effects of discharges to air from industrial and trade activities.
- 742 No operational-phase air discharge permits are sought as part of this Application. Any future discharges associated with the proposed development will either be permitted under the rules of the Plan or assessed through the resource consent process. Construction phase air discharges are to be managed through conditions of consent.
- 743 We are satisfied that air quality effects will be appropriately managed.

Operative Christchurch District Plan

- 744 The Site is zoned RUF in the District Plan and is subject to a range of overlays and designations, including airport noise contours, road classifications, and network utility features.²⁶⁸

²⁶⁸ Above n 8.

- 745 The objectives and policies of the RUF zone are directed toward rural land uses. We accept that the Proposal is not consistent with those objectives and policies, as it effectively enables industrial development on land zoned for rural purposes.
- 746 The objectives relating to the IGZ seek recovery and economic growth of the district's industry be supported and strengthened in existing and new greenfield industrial zones while managing adverse effects and recognising, protecting and enhancing the cultural values of Ngāi Tahu. Policies seek to maintain sufficient industrial land to meet demand recognising and providing for the requirements of different industries, avoid the need for industrial activities to locate in non-industrial zones and manage effects.
- 747 Other relevant District Plan provisions relate to hazardous substances and contaminated land, natural hazards, general rules and procedures, subdivision and earthworks, natural and cultural heritage, and transport.
- 748 We have carefully considered the planning assessment in Appendix 23 of the AEE, the comments provided by CCC²⁶⁹ and completed our own review of the objectives and policies of the District Plan. While there is not universal agreement between the Applicant and CCC on all aspects of District Plan consistency, we consider there is broad alignment in the overall assessment of effects and outcomes, particularly having regard to the revised conditions proposed. We consider that subject to the conditions imposed, the effects of the Proposal will be appropriately managed and the Application will achieve outcomes that are consistent with the relevant objectives and policies of the District Plan when assessed in the context of the FTAA.

Conclusion regarding consistency with the regional and district planning framework

- 749 Overall, we consider that subject to the conditions imposed, the effects of the Proposal will be appropriately managed and the Application will achieve outcomes that are consistent with the relevant provisions of the regional and district planning framework when assessed in the context of the FTAA.

²⁶⁹ Section 53 Comments by CCC, 19 June 2025, paragraphs [195] – [240].

PART J: OTHER CONSIDERATIONS

750 In addition to the above statutory documents, the following non-statutory documents are identified by the Applicant and CCC as being relevant:

- (a) Ngai Tahu Freshwater Policy;
- (b) Mahaanui Iwi Management Plan (**IMP**);
- (c) Canterbury Regional Land Transport Strategy (**RLTS**); and
- (d) Greater Christchurch Spatial Plan (**GCSP**).

751 These documents are discussed in the sections below.

Ngāi Tahu Freshwater Policy

752 The Ngāi Tahu Freshwater Policy describes Ngāi Tahu's association with freshwater resources, its participation in the management of freshwater resources and the environmental outcomes sought by the iwi. We consider that with conditions imposed, the Proposal is generally consistent with this Policy.

Mahaanui Iwi Management Plan 2013

753 The IMP states that the document "is an expression of kaitiakitanga and rangatiratanga."

754 This document has been prepared by the six Papatipu Rūnanga that represent the hapu holding manawhenua rights over lands and water within the area from the Hurunui River to the Hakatere River and inland to Kā Tiriri of Te Moana. The IMP provides a values-based plain language policy framework for the protection and enhancement of Ngāi Tahu values and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural regions across the area. The matters covered by the IMP are extensive and varied. Relevant objectives and policies relate to Kaitiakitanga, Ranginui (Air), Wai Māori (Water), Papatūānuku (Land and Soil), Wāhi Tapu (significant sites) and are discussed in Appendix 23 of the AEE. We consider that with conditions imposed, the Proposal is generally consistent with the IMP.

Canterbury Regional Land Transport Strategy 2012 - 2042

- 755 The RLTS is a long-term (30 year), integrated planning document designed to create an efficient, safe, and sustainable transport system to support the region's economic growth and quality of life, focusing on both urban and rural needs. The vision of the strategy seeks to ensure Canterbury has an accessible, affordable, integrated, safe resilient and sustainable transport system. The vision is supported by objectives to ensure a resilient, environmentally sustainable and integrated transport system, increase safety, protect and promote public health, assist economic development and improve accessibility.
- 756 The RLTS is a relatively high-level transport related document that is not directive in relation to the Application. We consider that the Proposal is not contrary to the objectives of the RLTS. It provides for accessibility for a variety of transport modes and the Site has good connectivity to the local and regional transport network. Upgrades to the transport network in the vicinity of the Site have been discussed in Part E.

Greater Christchurch Spatial Plan

- 757 The GCSP sets a desired urban form for Greater Christchurch to future proof the areas for populations growth and climate change. It was endorsed and adopted as a Future Development Strategy under the NPS-UD by the Greater Christchurch Partnership Committee (which includes CCC) in 2024.
- 758 The GCSP does not identify the Site as part of any new or expanded industrial area. We accept this but for reasons discussed elsewhere in this section, we consider the Proposal is appropriate when assessed in the context of the purpose of the FTAA.

PART K: CONDITIONS

- 759 Section 81(1) FTAA empowers the Panel to grant approvals subject to conditions.
- 760 The statutory context for conditions, including the interpretation and application of ss 83 and 84A FTAA, has been addressed earlier in this decision in Parts C and E. We do not repeat that analysis here but have applied those principles when determining the final conditions.
- 761 Section 83 requires that a condition must not be more onerous than necessary to address the reason for which it is imposed. This requirement has guided our consideration of all conditions.
- 762 In relation to the resource consents granted under the RMA, ss 108, 108A and 220 RMA provide the statutory authority for conditions on land use and subdivision consents.
- 763 In relation to the Wildlife Approval, Schedule 7 cl 6 to the FTAA enables us to impose conditions necessary to manage the effects of the activity on protected wildlife. In doing so, we must consider whether conditions will avoid, minimise or remedy impacts on protected wildlife and, where more than minor residual impacts remain, whether offsetting or compensation is appropriate. 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.

764 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.

Approach to Conditions

765 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.²⁷⁰

766 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.

767 Following that process, the Applicant and Councils provided us with a largely agreed set of conditions as part of the Applicant's response to comments dated 19 December 2025. We used that set as the starting point for the draft conditions circulated to the parties for comment under s 70.

768 We set out in the draft decision a discussion of the conditions that were still in contention at that time and our proposed changes. In some cases when we circulated the draft conditions under s 70 we requested that the Applicant make amendments to:

- (a) Ensure that the conditions are legally robust;
- (b) Improve clarity, certainty and enforceability; and
- (c) Align the conditions with the findings and conclusions reached in this decision.

²⁷⁰ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

769 Following receipt of the parties comments under s 70, most matters that were in contention at the time of circulating the draft decision have been resolved. As such, we have removed some of the discussion about conditions that were in contention at the time the draft decision was circulated, as it has now, effectively, been superseded.

770 We have accepted most of the changes made to conditions by the Councils and the Applicant in their s 70 comments with the exception of the condition relating to the Intersection Upgrades and associated funding. We have also made some changes to improve the clarity of conditions relating to the stormwater, water supply and traffic safety audits. We have accepted the comments of the Applicant and DoC regarding the Wildlife Permit conditions. We have also accepted DOC's comments on "deemed certification" of management plans and made changes to address these.

771 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.

772 We record we have taken account of the comments from Whitiroa that the Project be undertaken in accordance with best practice, enforced through conditions of consent.

Consent notices pursuant to s 221 RMA

773 Consent notices are required under s 221 RMA to ensure that certain obligations apply to future owners of the subdivided lots. The consent notices relate to:

- (a) Issue of titles for Stage 4 (Condition 3)
- (b) Water Supply infrastructure (Condition 53-54)
- (c) Stormwater infrastructure (Conditions 68-69);
- (d) Landscaping (Condition 96 - 97); and

(e) Fencing requirements (Condition 98).

774 Proposed condition 127 of the CCC subdivision consent sets out the contents of some of the proposed consent notices. We consider that all consent notices should be located in the same condition and requested the Applicant amend the conditions accordingly.

775 The consent notices are targeted and appropriate to ensure that there is ongoing compliance beyond the completion of the relevant stage of subdivision and that all future owners of each residential or balance lot are fully informed as to their obligations with respect to these matters.

776 We are satisfied that the proposed consent notices are appropriate and will be imposed.

Duration

777 In its response to comments under s 55 FTAA, the Applicant 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: 7 years;
- (d) CRC water permit: 5 years;
- (e) CRC discharge permit (construction phase): 7 years;
- (f) CRC discharge permit (operational phase): 35 years; and
- (g) Wildlife permit: 10 years.

Conclusion Regarding Conditions

778 For the reasons set out above, we are satisfied that the conditions imposed are appropriate to manage the environmental effects of the Project and enable the development to proceed in the manner assessed in this decision.

- 779 We are also satisfied that the conditions comply with s 83 FTAA, in that they are no more onerous than necessary to address the reasons for which they are imposed.
- 780 The final set of conditions are contained in Appendix A to Appendix C of this decision.
- 781 If minor drafting errors are identified in the final condition set, we note that we have the power under s 89 FTAA to make minor corrections.

PART L: RMA 1991 AND WILDLIFE ACT 1953**RMA**

- 782 We have considered the Application and all advice, reports and other information received, in accordance with s 81(2) FTAA. We have applied the provisions of Schedule 5 in the manner required by s 81(2)(b) and (3)(a) FTAA.
- 783 As noted in Part C of this Decision, Schedule 5, cl 17 FTAA sets out how the Application is to be assessed under the relevant provisions of Part 2 RMA, namely ss 5 – 7. The AEE included an assessment of these provisions
- 784 The purpose of the RMA is to promote the sustainable management of natural and physical resources. In achieving that purpose we must recognise and provide for the matters of national importance under s 6 and have particular regard to the other matters in s 7. We are satisfied that granting the RMA approvals sought with conditions will achieve the purpose of the RMA. Our reasoning is set out in the preceding sections of this decision. We confirm that we have applied Part 2 as required by cl 17(2)(a) as being reference to ss 5 - 7 RMA and that overall we have not given greater weight to the RMA considerations than the purpose of the FTAA.
- 785 Additionally, we confirm that we have taken into account the other relevant provisions of the RMA relating to decision making on resource consent applications, including under s 104 – 104C (as relevant). In doing so we have assessed the effects in detail in this decision. We have also noted that while there are some elements of inconsistency with parts of the planning framework, for the reasons set out above those inconsistencies do not justify declining the approvals. Even if those inconsistencies justified declining the RMA approvals on their own, s 85(4) prohibits us doing so on the basis of a document we are required to take into account.
- 786 With the exception of the Ngāi Tahu Claims Settlement Act 1998, no other relevant provisions of other legislation directing decision making under the RMA was brought to our attention.
- 787 We have imposed conditions in accordance with ss 108-108A and 220, along with other relevant sections, as directed by cl 18 and as discussed in detail in the earlier parts of this decision.

788 Finally, we record that when considering RMA approvals, we are required to undertake our evaluation against each of the relevant criteria individually, and then to apply the greatest weighting to the purpose of the FTAA. We have done so in our decision and address further in Part N.

Wildlife Act

789 As we have done above in respect of the RMA approvals, we have evaluated the Wildlife Approval sought against the relevant statutory criteria in the Wildlife Act as directed by the FTAA. We note the significant agreement between the parties on the granting and conditions of the approvals.

790 We have considered the Application and all advice, reports and other information received, in accordance with s 81(2) FTAA. We have applied the provisions of Schedule 7 in the manner required by s 81(2)(b) and (3)(i) FTAA, including taking into account the purpose of the FTAA and Wildlife Act, giving the greatest weight to the former.

791 We have imposed conditions in accordance with cl 6 Schedule 7 FTAA and confirm that we do not consider offsets or compensation as contemplated by cl 6(2)(b) are required. To the extent that the habitat of absolutely protected wildlife will be lost as a consequence of the Project, we consider the conditions imposed will protect the southern grass skinks as far as practicable and the effects following management will be less than minor, as agreed by the parties.

792 As for the RMA approvals, we are required to undertake our evaluation against each of the relevant criteria individually, and then to apply the greatest weighting to the purpose of the FTAA. We have done so in our decision and address this in Part M.

PART M: FTAA, Section 3

- 793 The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Our decision is subject to that purpose.
- 794 In Part G we considered the regional benefits of the Project and found that they are significant. The evidence establishes that the Project is “noteworthy”.
- 795 As is evident from our decision, we confirm it is the view of the Panel that the Project will deliver infrastructure and development with significant regional benefit in a way that achieves the purpose of the FTAA. We consider this to be the case overall and in respect of each of the relevant criteria applied to our decision on the RMA and Wildlife Act approvals respectively. We record we do not consider these significant regional benefits are outweighed by the economic and other disbenefits arising from the Project

PART N: OVERALL ASSESSMENT

796 We may decline an approval only in accordance with s 85 FTAA. In particular, s 85(3) provides that an approval may be declined if 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.

797 As discussed, s 85(4) further provides that we may not form the view that an adverse impact meets the threshold in s 85(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 the Panel must take into account under s 81(2).

798 This statutory test differs from the decision-making framework that has developed under the RMA and Wildlife Act.²⁷¹ The FTAA expressly contemplates an overall evaluative judgment, requiring us to weigh the adverse impacts of the Project against its (in this case) regional benefits, taking into account the effect of conditions and other mitigation measures. In undertaking that evaluation, we have applied the five-step analytical framework described in Part C at paragraph [114] throughout this decision.

799 In earlier parts of this decision we have examined the benefits and disbenefits of the Proposal, including the economic and other regional benefits associated with the development. We have also evaluated the actual and potential adverse impacts arising from the proposed subdivision and the subsequent use of the land for industrial activities. Consideration of both is necessary to exercise our discretionary judgment under s 85(3).

800 Having undertaken that assessment, we are satisfied that the significant regional benefits of the Project are not outweighed by the economic and other disbenefits

²⁷¹ *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

identified. The Project will deliver significant benefits to the region, including the provision of additional industrial land supply and associated economic activity.

- 801 We have also found that most of the anticipated adverse impacts, including those addressed through conditions imposed, are not of a scale or significance that requires further consideration under s 85(3)(b).
- 802 The possible exception concerns the risk that the Intersections may not be upgraded within the timeframe anticipated by the transport evidence. While we do not underestimate the potential safety implications associated with that risk, the benefits that are capable of being quantified in monetary terms are, relatively speaking, modest. We do not consider those disbenefits to be “out of proportion” to the Project’s regional benefits within the meaning of s 85(3)(b).
- 803 Our decision to nevertheless require intervention by way of a condition precedent linked to the progression of Stage 4 of the development is directed toward ensuring that these transport effects are appropriately managed so that where the effects are not mitigated immediately they are limited in time and scale. That approach also reflects our view that the condition adopted represents the least onerous condition necessary to manage the identified risk while giving appropriate weight to achieving the purpose of the FTAA.
- 804 In relation to the other adverse environmental impacts, whether considered individually or cumulatively, we conclude that they are generally minor or of lesser significance, and are capable of being appropriately managed or mitigated through the conditions imposed. Outside the issue of the Intersection Upgrades, there is substantial agreement between the Applicant, relevant regulatory authorities and administering agencies regarding the significance of those effects.
- 805 Any remaining differences of view, together with the concerns expressed by neighbouring landowners, primarily relate to amenity matters (including noise and visual effects) and aspects of road safety associated with site access. In our view, those effects can be appropriately mitigated through the conditions imposed.
- 806 We also recognise that, when assessed against the relevant planning instruments, there are aspects of the Project that are inconsistent with elements of the planning framework, including matters relating to out-of-sequence development, soil versatility, and infrastructure planning and integration. However, for the reasons set out earlier in

this decision, we do not consider those inconsistencies to be of such significance as to meet the threshold in s 85(3)(b).

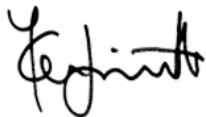
807 Accordingly, we conclude that the identified adverse impacts are not “out of proportion” to the Project’s regional benefits in the sense contemplated by s 85(3). The statutory threshold for declining the approvals on that basis is therefore not met.

PART O: FINAL DECISION

- 808 The approval of the six resource consents sought under the RMA is granted, subject to the conditions in **Appendix A and B**.
- 809 The Wildlife Approval sought under the Wildlife Act is granted, subject to the conditions in **Appendix C**.
- 810 We thank all parties and advisers who made contributions throughout this process.
- 811 We especially wish to acknowledge the assistance of our special advisors Ms Dines and Ms Yardley in preparing the decision and conditions, along with Ms Raravula, the application lead, and Ms Prescott, both from EPA, for their administrative assistance.
- 812 As required by s 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 s 88(3).



Chris Thomsen
(Chair)



Ken Gimblett
(Member)



Roger Seyb (Member)

APPENDIX A: RMA APPROVALS – DISTRICT COUNCIL CONDITIONS OF CONSENT

APPENDIX B: RMA APPROVALS – REGIONAL COUNCIL CONDITIONS OF CONSENT

APPENDIX C: WILDLIFE APPROVAL CONDITIONS OF CONSENT