

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act
2024

AND

IN THE MATTER of the Pound Road Industrial
Development (FTAA-2504-1054)

Memorandum of counsel for the Christchurch City Council responding to Minute 1

5 September 2025

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If the Panel Convener Pleases:

1. This memorandum of counsel for the Christchurch City Council (Council) responds to Minute 1 to assist the Panel Convener achieve the objectives of the Convener Conference on Tuesday 8 September 2025.
2. Council confirms that it will attend the panel convener's conference on 9 September.
3. The purpose of this memorandum is to summarise the Council's view on the progress of the applications and the unresolved issues between Applicant and Council.
4. The Council is pleased to report that there has been good and ongoing communication on issues between those parties. As a result, there are likely to be few substantive issues that require resolution in relation to the combined land use and subdivision consent under the Resource Management Act 1991. Those remaining substantive issues at this stage are:
 - 4.1 Lizard relocation (paragraph 16 below);
 - 4.2 Network capacity for wastewater and potable water, and the works required to connect to the Council's network and adequately supply the intended development (paragraph 20);
 - 4.3 Implications of the National Policy Statement for Highly Productive Land (NPS-HPL) (paragraph 22).
5. A key process uncertainty is whether there is a wetland on the application site and, if so, how the Applicant proposes to address that (paragraph 21). That is an information gap.

Status of land use consent assessments

Transport

6. This is still being assessed by the Council's expert. Council's planner expects there to be no substantive issues.

Contamination

7. The Council has proposed to the Applicant standard conditions for remediation of contamination by scraping and removal (including site validation).

Acoustics

8. With one exception, the Council agrees with the Applicant's proposed noise conditions. The exception is a condition that was recommended by the Applicant's expert but not included in the application. The parties' planners are discussing that matter, and it appears readily resolvable.

Geotechnical

9. Council's specialist has proposed refinements to the Applicant's proposed conditions. Council has provided these to the Applicant and awaits a response.

Earthworks

10. Council's assessment of the application has raised no issues other than concerning the interface between earthworks and neighbouring sites. These are standard considerations in a development with extensive fill that raises ground levels and thereby has potential effects on neighbours related to drainage and privacy (i.e. fence heights when there is raised ground on one side).
11. Council has proposed relatively standard conditions to the Applicant and is awaiting a response.

Ecology

12. Bird strike risks and construction effects on birds: Council has proposed relatively standard conditions to the Applicant and is awaiting a response.
13. The drain on Barbers Rd: Council considers that the application did not include sufficient detail to enable the Council to assess potential effects on the waterway. Council requested further information from the Applicant. The Applicant has provided some of that and the Council understands that more is coming. The Council favours conditions that require planting on the banks and there is none provided for in the application. Selwyn District Council are affected by decisions regarding the drain. Council's ecologist is seeking views from that council.
14. Plant ecology on the application site: The Council's expert has confirmed that no issues arise. No conditions are needed.

15. Invertebrates: A Wildlands report in the application recommended some mitigations that are not proposed in the application. The Council has flagged this as a query and awaits the Applicant's response.
16. Lizards: This is an unresolved issue. The application proposed relocation to a nearby Council-owned site. The Council as landowner has declined to permit the Applicant to use it as the Council intends to use it for its own lizard relocations. The Applicant must identify a suitable alternative. The Council understands that the Applicant has that investigation underway.

Stormwater management

17. The planners for the Council and Applicant have agreed on appropriate conditions.

Urban design

18. The Applicant and Council experts have engaged. The Council's expert has requested the Applicant to further consider the rural interface and effects along that interface. The Council's expert seeks consent conditions related to building height and bulk, and landscaping. The Council awaits the Applicant's responses on those matters.

Subdivision

19. There are no subdivision-specific issues other than factors related to design, transport, servicing and natural hazard assessments. These have been discussed above.

Lack or capacity in the wastewater and potable water network

20. This is an unresolved issue. The site is not currently zoned for industrial use. There is a lack of capacity in Council's network in the immediate locality for both potable water and wastewater services. The Applicant's proposal for that servicing has not been accepted by the Council's infrastructure team. The Council and Applicant experts have had several meetings to discuss these issues. There are a number of technical details to overcome. The Council's position is that the Applicant will need to upgrade and add to the existing infrastructure, at the Applicant's expense or install private infrastructure to ensure that there is enough capacity for the development. Counsel understands that the Applicant is waiting for some development contribution information from Council and is considering options on how to proceed.


Assessment under RMA instruments

21. Possible wetland: this is an information gap and potential issue. The application indicates that there is a possible wetland on the application site but that the Applicant has not confirmed that because of access issues. The Council cannot consider the implications of this and what it might mean for the application, conditions or assessment under the statutory instruments (NPS-FM and NPS-IB) until the Applicant provides information about it.
22. National Policy Statement of Highly Productive Land (NPS-HPL): Counsel understands that the parties have not fully explored any differences of position on this. It might be an unresolved issue for which there would be expert evidence and legal submissions to be determined by the Panel. The site is zoned Rural Urban Fringe. The Council's position is that the "nearest equivalent zone" for the purposes of NPS-HPL assessment is General Rural. Assessment under the NPS-HPL requires a combination of expert evidence and legal analysis as to whether the proposal can be approved through the exemption pathways in the NPS-HPL and, if not, how the "avoid" provisions in the NPS-HPL are to be approached when deciding this application. The Applicant's position in the application is different.
23. Council planners have not yet undertaken a full assessment of District Plan objectives and policies. This will occur after issues described above have been further explored. In overview, there may be issues regarding consistency with the rural chapter. There are number of avoidance policies that are relevant. An assessment against the rural chapter will be dependent on the outcomes of the NPS-HPL assessment detailed above.

Council's estimated timeframe for the steps in Minute 1 Schedule 1

24. Counsel here confines comments to the steps in which the Council may be involved.
25. The amount of time that the Panel provides to relevant parties to comment on the applications (ss 53-54): the 20 working days indicated in Schedule 1 seems appropriate.
26. Any other procedural steps between the close of time for the Applicant's comments (s55) and decision writing: This is difficult to estimate in the context of the uncertainties described above about the extent to which servicing, wetland and NPS-HPL issues will remain live for the Panel's determination.

27. The time provided for participants to comment on draft conditions, following which the Applicant has 5 working days to comment: The Council suggests that 10 working days is appropriate for the participants to comment. That time would enable the participants and Applicant to engage on any issues arising and seek to resolve any drafting matters.



BK Pizzey

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5 September 2025