

Before the Expert Panel

**FTAA-2505-1057**

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Under	Fast-track Approvals Act 2024 ( <b>FTAA</b> )
In the matter of	Pound Road Industrial Development
Between	<b>NTP DEVELOPMENT HOLDINGS LIMITED</b>
	Applicant

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**Memorandum of counsel for Applicant on application of s 53 of the FTAA to the Application**

Date: 5/10/2025

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## May it please the Panel

- 1 The purpose of this memorandum is to outline NTP Development Holdings Limited's (the **Applicant's**) position on how s 53 of the Fast-track Approvals Act 2024 (**FTAA**) should be applied to the Pound Road Industrial Development [FTAA-2505-1057] (**Application**).

## Section 53 – Panel invites comments on substantive application

- 2 Section 53 of the FTAA is attached in **Appendix One** to this memorandum. Section 53 of the FTAA outlines the process by which the Panel invites written comments on substantive applications, including timeframes, content requirements, and provisions for iwi authorities to engage hapū in the consultation.
- 3 In accordance with s 3(1), the Panel must direct the Environmental Protection Authority (**EPA**) to, in accordance with this section, invite written comments on the Application by 5 October 2025.
- 4 These persons required to be asked for comment include those parties listed under s 52(2) of the FTAA. In addition, the Panel may request comments under s 52(3) from any other persons the Panel considers appropriate.
- 5 **Appendix Two** to this memorandum contains a table prepared by the Applicant that applies s 53(2) of the FTAA to identify the relevant parties whom the Panel is required to invite to comment on the Application.

### Other parties that are warranted for comments per s 53(3) of the FTAA

- 6 Section 53(3) of the FTAA grants an Expert Panel the discretion to invite comments from any other person or group it considers appropriate for a substantive application. Although the FTAA provides no explicit guidance on how the Panel should exercise its discretion, that discretion must be exercised consistently with the purpose of the FTAA — to facilitate the delivery of infrastructure and development projects that offer significant regional or national benefits.
- 7 The Applicant considers that the Selwyn District Council (**SDC**) is another party that warrants comment under s 53(3). The SDC are the owner of the water race that traverses the Barters Road frontage of the site. Works within this waterway require approval under the Selwyn District Bylaw. Consultation has already been undertaken with this party before lodgement; however, we consider they should also be invited to comment on the substantive application formally.

- 8 There are no other parties the Applicant considers should be asked for comment under s 53(3) of the FTAA.
- 9 During the briefing, the Panel queried whether Fire and Emergency New Zealand (**FENZ**), Heritage New Zealand, or Christchurch International Airport (**CIAL**) should be invited to comment under s 53(3). The Applicant considers that comment need not be sought from these parties for the following reasons:

(a) **Fire and Emergency New Zealand**

It is not considered that comments should be invited from FENZ under s 53(3). The proposal is for an industrial subdivision, and water servicing is proposed in accordance with Christchurch City Council (**CCC**) recommendations. Fire supply will be provided via the potable main with hydrants spaced to achieve FW4. FENZ would have an opportunity for input should any future development within the Site not accord with the built form standard of 16.4.2 of the Christchurch District Plan, which is adopted as part of the suite of conditions (adopted per CCC Condition 6).

(b) **Heritage New Zealand**

It is not considered that comments should be invited from Heritage New Zealand under s 53(3). The Applicant has adopted conditions which restrict activity which may modify, damage or destroy an archaeological site or material (adopted per CCC Condition 18 and per ECan Condition 30). These conditions acknowledge that an archaeological authority is required from Heritage New Zealand to modify, damage or destroy any archaeological site, whether recorded or not in the New Zealand Heritage List/Rārangi Kōrero.

(c) **Christchurch International Airport**

While the Application is located within the 50dB and 55dB Air Noise Overlays, the Applicant does not consider that CIAL needs to be invited for comment under s 53(3), for the following reasons:

- (i) The Site is located outside the 3km radius of the airport relevant to birdstrike management;<sup>1</sup>

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<sup>1</sup> refer Appendix 6.11.7.5 of the Christchurch District Plan.

- (ii) Conditions of consent, agreed with CCC, will manage potential birdstrike risks during earthworks and until stormwater management areas are vested; and
- (iii) The proposal does not give rise to reverse sensitivity effects, as sensitive activities (residential and educational) are explicitly precluded under Condition 5 of the CCC conditions for the industrial subdivision.

For completeness, we note that while CIAL is a requiring authority, associated designations are neither part of the substantive application nor adjacent to it.

Dated this 5 October 2025



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Jo Appleyard / Tallulah Parker  
Counsel for NTP Development Holdings Limited

## Appendix One: Section 53 of the FTAA – Panel invites comments on substantive application

### *Opportunity for comment on substantive application*

#### **53 Panel invites comments on substantive application**

- (1) A panel must direct the EPA to, in accordance with this section, invite written comments on a substantive application not later than 10 working days after the panel is set up.
- (2) Comments must be invited from—
  - (a) the relevant local authorities; and
  - (b) any relevant iwi authorities; and
  - (c) any relevant Treaty settlement entities, including, to avoid doubt,—
    - (i) an entity that has an interest under a Treaty settlement within the area to which the substantive application relates; and
    - (ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area; and
  - (d) any protected customary rights groups and customary marine title groups whose protected customary rights area or customary marine title is within the area to which the substantive application relates; and
  - (e) any applicant group under the [Marine and Coastal Area \(Takutai Moana\) Act 2011](#) that is identified in the report prepared under [section 18](#) or [49](#) and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates; and
  - (f) ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and
  - (g) the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws or regulations made under [Part 9](#) of the Fisheries Act 1996; and
  - (h) the owners of the land to which the substantive application relates and the land adjacent to that land; and
  - (i) the occupiers of the land to which the substantive application relates and the land adjacent to that land unless, after reasonable inquiry, an occupier cannot be identified; and
  - (j) the Minister for the Environment and other relevant portfolio Ministers; and
  - (k) relevant administering agencies; and
  - (l) any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land; and
  - (m) if the approvals sought in the substantive application include—
    - (i) an approval described in [section 42\(4\)\(a\) or \(d\)](#) (resource consent or designation), the persons and groups listed in [clause 13](#) of Schedule 5;
    - (ii) an approval described in [section 42\(4\)\(e\)](#) (concession), the persons listed in [clause 5](#) of Schedule 6;
    - (iii) an approval described in [section 42\(4\)\(g\)](#) (conservation covenant), the persons listed in [clause 44](#) of Schedule 6;
    - (iv) an approval described in [section 42\(4\)\(h\)](#) (wildlife approval), the persons listed in [clause 4](#) of Schedule 7;
    - (v) an approval described in [section 42\(4\)\(k\)](#) (marine consent), the persons listed in [clause 5](#) of Schedule 10;
    - (vi) an approval described in [section 42\(4\)\(l\) or \(m\)](#) (access arrangement), the persons listed in [clause 5](#) of Schedule 11;
    - (vii) an approval described in [section 42\(4\)\(n\)](#) (mining permit), the person listed in [clause 18](#) of Schedule 11; and
  - (n) any persons or groups specified by the Minister under [section 27\(3\)\(b\)\(iii\)](#).
- (3) Comments may be invited from any other person the panel considers appropriate.

Compare: 2020 No 35 Schedule 6 [cl 17](#); 2023 No 46 Schedule 10 [cl 26](#)

## Appendix Two: Application of s 53(2) to the Pound Road Industrial Development

Section	Description from the Act	Commentary	Identified Party
53(2)(a)	The relevant local authorities	" <b>relevant local authority</b> ", in relation to a substantive application, is defined under s 4 of the FTAA as a " <i>local authority whose region or district the project area is in</i> ".	Christchurch City Council Canterbury Regional Council
53(2)(b)	any relevant iwi authorities	<p>Unless the context otherwise requires, terms used and not defined in the FTAA have the meaning in the RMA.</p> <p>"<b>iwi authority</b>" under s 2 of the RMA is defined at the "<i>authority which represents an iwi and which is recognised by that iwi as having authority to do so</i>".</p> <p>The Application site is located in the takiwā of Te Rūnanga o Ngāi Tūāhuriri. We note that, as stated in <b>Appendix 22</b>, Te Rūnanga o Ngāi Tahu has confirmed that no additional consultation is required.</p>	Te Rūnanga o Ngāi Tūāhuriri (via Whitiara)
53(2)(c)	any relevant Treaty settlement entities, including, to avoid doubt, - (i) an entity that has an interest under a Treaty Settlement within the area to which the substantive application relates; and (ii) an entity operating in a collective agreement, provided for under a Treaty settlement, that relates to that area; and (iii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area; and	<p>"<b>treaty settlement</b>", "<b>treaty settlement Act</b>", "<b>treaty settlement deed</b>" and "<b>treaty settlement entity</b>" are defined under s 4 of the FTAA</p> <p>Ngāi Tūāhuriri is a primary hapū of Ngāi Tahu identified in the Tahu Claims Settlement Act 1998. The Application site is located in the takiwā of Te Rūnanga o Ngāi Tūāhuriri.</p>	Te Rūnanga o Ngāi Tahu Te Rūnanga o Ngāi Tūāhuriri
53(2)(d)	Any applicant group under the <a href="#">Marine and Coastal Area (Takutai Moana) Act 2011</a> that is identified in the report prepared under <a href="#">section 18</a> or <a href="#">49</a> and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates; and		N/A
53(2)(e)	Any applicant group under the <a href="#">Marine and Coastal Area (Takutai Moana) Act 2011</a> that is identified in the report prepared under <a href="#">section 18</a> or <a href="#">49</a> and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates; and		N/A
53(2)(f)	Ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and		N/A
53(2)(g)	The tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws or regulations made under <a href="#">Part 9</a> of the Fisheries Act 1996; and		N/A

53(2)(h)	The owners of the land to which the substantive application relates and the land adjacent to that land		Refer to <b>Appendix 28</b> of the substantive application for a list of the relevant owners.
53(2)(i)	The occupiers of the land to which the substantive application relates and the land adjacent to that land, unless, after reasonable enquiry, an occupier cannot be identified; and	The adjacent land has been identified in alignment guidance provided by the EPA.	Refer to <b>Appendix 28</b> of the substantive application for a list of the relevant occupiers.
53(2)(j)	The Minister for the Environment and other relevant portfolio Ministers	<b>"Relevant portfolio Ministers"</b> is not defined. The Applicant considers the following to be relevant portfolios.	Minster for the Environment Minster for Transport Minister for Conservation Minister for Infrastructure Minister for Treaty of Waitangi Negotiations Minster for Social Development and Employment Minister for Building and Construction Minister for South Island Minister for Regional Development Minister for Climate Change
53(2)(k)	Relevant administering agencies	<b>"relevant administrating agency"</b> is defined under s 4 of the FTAA as in "relation to a substantive application, means an administering agency for a specified Act that relates to an approval being sought in the substantive application."  <b>"administrating agency"</b> is further defined under s 4 as of the FTAA as "the chief executive of a department, with the authority of the Prime Minister, responsible for the administration of a specified Act"  For the RMA, MfE is responsible for the overall administration, while local authorities (regional and territorial councils) are responsible for the day-to-day implementation and administration. The administering agency for the WA is DOC	Ministry for the Environment Department of Conservation Canterbury Regional Council Christchurch City Council
53(2)(l)	Any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land;	<b>"requiring authority"</b> is defined under s 166 of the RMA as "minister of the Crown", "local authority" or "a network utility operator approved as a requiring authority under s 167".  Designations E2, C8, P2, I1 under the Christchurch District Plan are adjacent to the land.	NZ Transport Agency Waka Kotahi KiwiRail Holding Limited Christchurch City Council Minister of Corrections
53(2)(m)	If the approvals sought in the substantive application include – (i) an approval described in <a href="#">section 42(4)(a) or (d)</a> (resource consent or designation), the persons and groups listed in <a href="#">clause 13</a> of Schedule 5: (ii) an approval described in <a href="#">section 42(4)(e)</a> (concession), the persons listed in <a href="#">clause 5</a> of Schedule 6: (iii) an approval described in <a href="#">section 42(4)(g)</a> (conservation covenant), the persons listed in <a href="#">clause 44</a> of Schedule 6:	Clause 13 is relevant for the purposes of section 53(2)(m)(i) as resource consents are sought.  Clause 4 is relevant for the purposes of section 53(2)(m)(iv) as wildlife approvals are sought.	Director-General of Conservation New Zealand Conservation Authority Relevant Conservation Board New Zealand Fish and Game Council Game Animal Council

	<p>(iv) an approval described in <a href="#">section 42(4)(h)</a> (wildlife approval), the persons listed in <a href="#">clause 4</a> of Schedule 7:</p> <p>(v) an approval described in <a href="#">section 42(4)(k)</a> (marine consent), the persons listed in <a href="#">clause 5</a> of Schedule 10:</p> <p>(vi) an approval described in <a href="#">section 42(4)(l) or (m)</a> (access arrangement), the persons listed in <a href="#">clause 5</a> of Schedule 11:</p> <p>(vii) an approval described in <a href="#">section 42(4)(n)</a> (mining permit), the person listed in <a href="#">clause 18</a> of Schedule 11; and</p>		
53(2)(n)	Any persons or groups specified by the Minister under section 27(3)(b)(iii)	Section 27 outlines specified matters from the Minister for referral applications. As the Application is for a Schedule 2 project, this section is not relevant.	N/A