

Before the panel convener appointed under the  
Fast-track Approvals Act 2024

**FTAA-2505-1057**

<b>Under</b>	<b>the Fast-track Approvals Act 2024</b>
<b>In the matter</b>	of the Pound Road Industrial Development Proposal
<b>By</b>	<b>NGĀI TAHU PROPERTY DEVELOPMENT HOLDINGS (NTP)</b>

**RESPONSE OF CANTERBURY REGIONAL COUNCIL TO MINUTE 1 OF THE PANEL  
CONVENER**

**05 September 2025**



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## **MAY IT PLEASE THE PANEL CONVENER**

1. This memorandum is provided on behalf of Canterbury Regional Council (**CRC**) in response to Minute 1 of the Panel Convener dated 1 September 2025 (**Minute**), regarding the Ngāi Tahu Property Development Holdings (**NTP**) application for approvals for the Pound Road Industrial Development. Simpson Grierson has been instructed to act for CRC in respect of the Application.

### **Minute 1, Schedule 1 - Participant's estimated timeframe**

2. As CRC has not identified any significant concerns with the application, its only specific request is to ensure that sufficient time is allowed to review and comment on draft conditions under section 70(2) of the FTAA. The appropriate period of time to comment on draft conditions will depend on their complexity and the extent to which matters remain in contention.
3. CRC is happy to discuss timeframes further at the Panel Convener Conference.

### **Minute 1, (second) Schedule 1 – Matters to consider when preparing for conference**

#### **Approvals**

*[1] The number and range of approvals sought*

4. Three approvals are sought from CRC for activities described in the RMA. One approval is required under section 9, another under section 14 and the final one under section 15 of the Resource Management Act 1991 (**RMA**), as follows:
  - (a) Water permit (s.14) – Non-complying activity – to dam and divert water associated with the diversion of the Paparua Water Race, which includes:

- (i) temporary damming of the Paparoa Water Race to enable works;
  - (ii) the temporary diversion of the Paparua Water Race to enable culvert installation and other associated works;
  - (iii) non-consumptive take and use of water from the Paparua Water Race to over-pump the temporary dam during culvert installation.
  
- (b) Discharge permit (s.15) – Non-complying activity – to discharge water and associated contaminants associated with the installation of a culvert in the Paparua Water Race; and the discharge of Construction Phase and Operational Stormwater, which includes:
  - (i) the discharge of water and associated contaminants into the Paparua Water Race relating to the damming, diversion, and non-consumptive take and use of water required to install the culvert;
  - (ii) Construction phase activities related to land development/preparation/earthworks;
  - (iii) Operational stormwater discharges from the roofs of structures on individual lots (which will not be discharged to the CCC reticulated system).
  
- (c) Land Use Consent (s.9) – Restricted discretionary activity - earthworks over confined/semi-confined aquifer and within 50m of a waterbody:
  - (i) Earthworks exceeding 100m<sup>3</sup>;
  - (ii) Earthworks within 50m of a waterbody (Paparua Water Race).

5. Further consents may be required under the National Environment Standards for Freshwater 2020 depending on the presence of a wetland – refer Table 1 and paragraph 7 below.

### Complexity

6. **Table 1** below provides consideration of the matters set out in Schedule 1 of the Minute. The content in the first two columns of the table is copied directly from Schedule 1.

Table 1: consideration of complexity		
Level of complexity	Specific provision	CRC comment
(a) Legal Complexity: novel or difficult legal issues	(i) involve untested law or interpretation of statute;	CRC does not consider that there is any legal complexity relating to untested law or interpretation of statute.
	(ii) involve application for multiple approvals;	Three approvals are sought, reflecting activities specified in sections 9, 14 and 15 of the RMA. There are a number of activities within each approval, as described in [1] above.
	(iii) interface with two or more statutes; and	<p>Setting aside the FTAA, the RMA is the primary statute for this proposal.</p> <p>Within the RMA framework there are a number of legislative documents which apply to this proposal:</p> <ol style="list-style-type: none"> <li>1) National Policy Statement for Freshwater Management 2020</li> <li>2) National Policy Statement for Indigenous Biodiversity 2023</li> <li>3) National Policy Statement on Urban Development 2020</li> <li>4) National Policy Statement for Highly Productive Land 2024</li> <li>5) Canterbury Regional Policy Statement 2021</li> </ol> <p>The applicable regional plan for classifying the proposed activities is the Canterbury Land and Water Regional Plan (LWRP).</p>

	(iv) engage constitutional law and public law.	The activities if bundled would have a non-complying activity status under the LWRP. Constitutional and public law is not anticipated to apply.
(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence	(i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and	<p>CRC acknowledges that the applicant has undertaken consultation with a number of parties and commissioned a number of technical reports.</p> <p>Notwithstanding this, CRC considers that further discussions are necessary to gain a better understanding of any potential effects. Specifically, CRC believes additional conversations are needed regarding the management of contaminated land during the construction phase, the possible presence of a wetland, and the identification of appropriate habitat for lizard relocation.</p> <p>As discussed with the applicant, further work is needed (generally) to refine final the condition set and ensure the appropriateness of proposed mitigation.</p>
	(ii) often involve technical or scientific analysis	<p>Twenty-nine appendices were lodged supporting the application, each addressing a specific potential effect of the proposal. The technical assessments relevant to the approvals relevant to CRC are:</p> <ol style="list-style-type: none"> <li>1) Geotechnical Engineering Investigation (Appendix 5)</li> <li>2) DSI (Appendix 6)</li> <li>3) Terrestrial Assessment (Appendix 7)</li> <li>4) Lizard Management Plan (Appendix 8)</li> <li>5) Aquatic Ecology Assessment (Appendix 9)</li> <li>6) Infrastructure Report (Appendix 12)</li> <li>7) Earthworks and Dust Management Plan (Appendix 13)</li> <li>8) Compliance Assessment (Appendix 15)</li> <li>9) Economic Assessment (Appendix 16)</li> </ol> <p>CRC science staff have undertaken a detailed review of these documents and discussions are underway with applicant around aspects where further information or clarification is required.</p>

(c) Factual Complexity: arises from the volume and nature of evidence -	(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and  (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.	As noted above, the application includes several technical reports, many of which are interrelated and rely on each other's conclusions.  The applicant has been actively engaging with CRC which has allowed CRC's technical experts sufficient time to conduct thorough reviews of the reports provided. The applicant and CRC are now collaborating to address areas where further discussion is needed to resolve outstanding concerns.
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### Issues

*[3] In addition to the matters noted in the Minute, describe:*

- (a) the issues that have arisen during pre-lodgement and post-lodgement consultation and engagement.*
- (b) if the application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this application.*
- (c) any statutory process that coincides with the 30-working day period (if proposed)*

7. At this stage, CRC has not identified any significant concerns. However, there are aspects of the proposal and its potential effects that require further clarification. In particular, CRC is seeking a better understanding of how contaminated land will be managed during the construction phase, the possible presence of a wetland within the development site, and confirmation of a suitable area for lizard relocation.

8. CRC is willing to engage with NTP to further refine the proposed conditions and will continue discussions in advance of a panel being appointed.

### Panel membership

*[4] Consider:*

- (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.*

*(b) whether there are factors that warrant the appointment of more than four panel members, such as:*

- (i) the circumstances unique to a particular district or region; or*
- (ii) the number of applications that have to be considered in that particular district or region; or*
- (iii) the nature and scale of the application under consideration; or*
- (iv) matters unique to any relevant iwi participation legislation.*

**9.** In relation to item [4(a)], CRC considers the following skills and areas of expertise would be beneficial for inclusion on the Panel:

- (a) Planning and RMA expertise, given the issues outlined above; and
- (b) Experience in condition drafting, to ensure that any approval is accompanied by conditions that are both monitorable and enforceable.

**10.** While the following areas fall outside CRC's core functions, discussions with CCC and NTP have indicated that the inclusion of the following skills and knowledge would also be valuable:

- (a) Infrastructure capacity and three waters understanding, in light of concerns raised by CCC; and
- (b) Cultural understanding – CRC considers that an appreciation of cultural values is relevant to decision-making. It is CRC's understanding that the relevant iwi authorities and Treaty settlement entities listed in Schedule 3 of the minute will be invited to nominate a panel member with the appropriate cultural expertise, and this is supported.

11. CRC and CCC have identified a number of potential Panel nominees who are considered to possess the above skills and experience. These potential nominees can be provided to the Panel when requested.

**Procedural requirements**

*[6] Consider and prepare to indicate:*

- (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).*
- (b) the timing of expert conferencing or wānanga;*
- (c) the referral of two or more participants or topics to mediation;*
- (d) the requirement for any form of hearing process including:*
  - (i) disputed facts or opinions*
  - (ii) proposed conditions; or*
  - (iii) legal issues.*

12. CRC is willing to engage directly with the Panel as necessary. As noted above, CRC is happy to discuss specific matters with NTP in more detail and intends to continue ongoing discussions with NTP and other relevant parties.

13. CRC does not currently expected that any expert conferencing or mediation will be required.

**Anything else?**

*[7] Is there any other information needed to decide time frames or panel composition?*



14. CRC does not consider that there is any additional information beyond what is discussed above

**Dated:** 5 September 2025



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S J Scott / S L Richardson  
Counsel for Canterbury Regional Council