

Under the	Fast-track Approvals Act 2024
In the matter	of the application by Carter Group Limited in relation to the Ryans Road Industrial Development

**MEMORANDUM OF COUNSEL FOR CANTERBURY REGIONAL COUNCIL
RESPONDING TO MINUTE 3 OF THE PANEL CONVENER**

24 July 2025



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May it please the Convener:

1. INTRODUCTION

1.1 This memorandum is provided on behalf of Canterbury Regional Council (**CRC**) in response to Minute 3 of the Panel Convener (**Minute**) regarding the Ryans Road Industrial Development application (**Application**) under the Fast-track Approvals Act 2024 (**FTAA**). Simpson Grierson has been instructed to act for CRC in respect of the Application.

1.2 The Convener has directed CRC to file a memorandum by Thursday 24 July 2025:

- (a) commenting on the level of complexity including any novel or difficult legal issues, any evidential complexity, or any factual complexity;
- (b) identifying, as a feature of this complexity, the principal issues in contention or other disputed matters;
- (c) stating whether the drafting of proposed consent conditions (including any draft management plan filed) is accepted;
- (d) proposing efficient processes to enable the panel to understand, resolve or narrow the scope of any likely issues and indicate how these processes may be accounted for under the decision timeframe; and
- (e) addressing the matters in Schedule 1 (estimated timeframes) of the Minute.

1.3 This memorandum addresses each of the above matters in turn.

2. LEVEL OF COMPLEXITY

2.1 The Application includes applications for approvals under sections 9, 14 and 15 of the Resource Management Act 1991 (**RMA**), which trigger various rules in the Canterbury Land and Water Regional Plan (**LWRP**) and the Canterbury Air Regional Plan (**CARP**).

- 2.2** In terms of the matters that fall within CRC's jurisdiction as a regional authority, CRC has not identified any novel or unusual legal, evidential or factual complexity with the Application.

3. PRINCIPAL ISSUES IN CONTENTION

- 3.1** Subject to the further information, evaluation of and refinements to the conditions that CRC considers are required (as discussed in section 4 of this memorandum) CRC's technical experts have not raised any material or contentious issues with the proposal at this point in time.

- 3.2** Counsel understands that at the First Panel Convenor Conference there was a question as to CRC's interest in the NPS-HPL. A regional council's primary function under the NPS-HPL is to map Highly Productive Land (**HPL**). While CRC is responsible for mapping HPL in the region, no plan change has been notified at this stage. Therefore, whether the site is to be treated as HPL for the purposes of clause 3.5(7) of the NPS-HPL is dependent on what the nearest equivalent zone to the Christchurch District Plan's Rural Urban Fringe Zone is, in the National Planning Standards (eg Rural Lifestyle Zone or General Rural Zone).

- 3.3** CRC does not intend to engage with this question. If the land is HPL under the deeming provisions in the NPS-HPL, it is also unlikely to engage with the question of whether an exemption pathway is available under the NPS-HPL, but for completeness, it reserves its position in that respect.

4. PROPOSED CONSENT CONDITIONS

- 4.1** CRC is not currently in a position to accept the conditions proposed by the Applicant, especially given the observation in the Minute that an assessment of the merits is not required at this stage.

- 4.2** It remains of the view that the Panel and other participants would benefit from further information regarding the potential effects of the proposal, and that this further information is required before it can offer meaningful feedback on the draft

conditions. In particular, CRC has identified that further information is required from the Applicant regarding the effects of the proposed piping of the Paparoa Water Race. On this matter, more detailed assessments and a site survey relating to biodiversity within/along the water race, and the proposal's impacts on aquatic biodiversity and ecology would assist CRC's assessment of the Application and ability to ensure the conditions are 'accepted'.

4.3 As for the proposed management plans (including the Stormwater Management Plan, Remedial Action Plan, Erosion and Sediment Control Plan and Site Management Plan) CRC notes that these would ordinarily be subject to a council-certification condition. Further consideration needs to be given to when and how these plans are to be provided to and/or certified by the relevant authorities.

4.4 As observed in the Minute however, constructive discussions are ongoing between the Applicant and CRC. The issues that CRC's technical experts have identified with the proposal should be capable of resolution through further discussion with the Applicant. CRC will continue discussions with the Applicant to refine the draft conditions, in conjunction with Christchurch City Council as necessary to ensure that any overlapping district and regional consent conditions are consistent.

5. PROPOSED PROCESS AND ESTIMATED TIMEFRAMES

5.1 CRC is open to expert conferencing to identify any key points of difference, or conversely, where technical matters are agreed, between the participants. Early conferencing should enable the Panel to further narrow the scope of issues to be considered.

5.2 CRC has focussed its review of the Application on the matters that fall within its jurisdiction under the RMA. Without having a full picture of the matters of concern to the other participants, it is difficult to provide an accurate estimate of the overall timeframes required to process this Application.

5.3 From CRC's perspective, the Application is relatively straightforward and there is no obvious reason why a Panel could not be appointed now, unless there are any

substantive changes made to the proposal that will impact the approvals required under the LWRP or CARP.

- 5.4** Once a Panel is appointed, CRC understands that the timeframes for CRC to provide written comments on the Application are subject to the requirements in sections 53 and 54 of the FTAA and are unable to be waived or extended. The appropriate period of time for participants to comment on draft conditions will depend on their complexity and the extent to which matters remain in contention. As noted above, at this stage CRC hopes to be able to resolve most of its concerns with the draft conditions through its direct discussions with the Applicant.

Date: 24 July 2025



S J Scott / J J Magrath
Counsel for Canterbury Regional Council