

under: The Fast-track Approvals Act 2024

in the matter of: an application by **Carter Group Limited** in relation to
the Ryans Road Industrial Development

Memorandum of counsel on behalf of Carter Group Limited

Dated: 18 June 2025

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MEMORANDUM OF COUNSEL ON BEHALF OF CARTER GROUP LIMITED

May it please the Convener:

- 1 This memorandum is provided on behalf of Carter Group Limited (*Carter Group*) in response to the Minute of the Panel Convener regarding the convener's conference for the Ryans Road Industrial Development application (*Application*) under the Fast-track Approvals Act 2024 (*FTAA* or *Act*).
- 2 This memorandum addresses the issues listed in Schedules 1 and 2 of the Minute.
- 3 We met with representatives from Environment Canterbury (*ECan*) and Christchurch City Council (*CCC*) as the relevant local authority administering agencies on 16 June 2025 to discuss the matters outlined in this minute. It is our understanding that all Carter Group and the local authority administrative agencies are largely in agreement regarding the potential issues that may arise through the fast-track process.
- 4 A copy of this memorandum was provided in draft on 17 June 2025 to representatives from:
 - 4.1 Te Rununga O Ngai Tahu as the "treaty settlement entity";
 - 4.2 Te Ngāi Tūāhuriri Runanga via its mandated representative Whitiora Centre Limited, and Te Taumutu Rūnganga via its mandated representative Mahaanui Kurataiao Ltd; and
 - 4.3 Department of Conservation (*DOC*); and
 - 4.4 Ministry for the Environment.

Approvals

- 5 The Application seeks a comprehensive suite of resource consents which covers all of the necessary consents authorising and enabling subdivision and land development, operation of infrastructure services for the site, and the subsequent establishment of industrial activities, building and associated site improvement by future businesses.
- 6 The application seeks the following approvals under s 42(4)(a) (resource consents that would have otherwise been applied for under the Resource Management Act 1991 and s 42(4)(h) (wildlife approvals as defined in clause 1 of Schedule 7) of the FTAA:
 - 6.1 Subdivision consent: for 126 industrial lots and infrastructure/service lots (non-complying activity);

- 6.2 Land use consent: for future industrial activities, buildings and site improvements (non-complying activity);
- 6.3 Water permit: to take for construction and operational phase stormwater (roads to stormwater basin and global consent for 126 lots discharging storm water to ground) (non-complying activity);
- 6.4 Water permit: to take water for construction purposes (drain damming and diversion (discretionary activity));
- 6.5 Land use consent: to undertake earthworks over an aquifer and within riparian margins (including vegetation clearance) and to install a culvert in the bed of a drain (restricted discretionary activity);
- 6.6 Wildlife permit: to authorise the trapping and relocation of native lizards.

Complexity

- 7 The Application does not present any legal, evidential, or factual issues that are particularly complex or novel, which would significantly extend the decision-making timeframe. The Applicant has identified two planning and/or legal interpretation issues that may arise and has set those out in paragraph 13.1 and 13.2 below.
- 8 The reports supporting the Application are extensive and includes material which is technical in nature. However, both ECan and CCC have both indicated that they are not likely to raise significant evidentiary or factual concerns with the proposal.
- 9 While it is expected that the Councils will be largely in agreement on evidentiary and factual matters, there may be some differences on opinion relating to the issues identified below and other parties may of course have other issues to raise.

Issues

- 10 Carter Group considers that the issues most likely to arise through the fast-track process are related to:
 - 10.1 the appropriateness of the mitigation measures proposed to address transport effects and reliance on infrastructure improvements that are currently planned or funded to deal with those effects;
 - 10.2 the appropriateness of the proposed stormwater systems; and
 - 10.3 water supply capacity for the site.

- 11 For completeness we note that the Councils have also flagged the following issues:
 - 11.1 A portion of the site to be subdivided is within designation D1 – Christchurch International Airport and written approval from the requiring authority, Christchurch International Airport has not yet been sought.
 - 11.2 The existing artificial water race which is proposed to be piped to facilitate the upgrading of Ryans Road to an industrial standard with kerb and footpath is owned and operated by Selwyn District Council (SDC). Written approval from SDC will need to be obtained to undertake these works.
- 12 The Applicant met with DOC on 16 June 2025 regarding the identification of a suitable lizard translocation site. The process of finding a suitable site for translocation is underway.
- 13 The planning and/or legal issues that may arise relate to the interpretation of:
 - 13.1 the 'urban environment' for the purpose of the National Policy Statement on Urban Development 2022.
 - 13.2 the National Policy Statement on Highly Productive Land 2022 to determine whether it has any relevance to the Application.

Panel Membership

- 14 Carter Group is not aware of any particular knowledge, skills or expertise required to decide the application under clause 7(1) of Schedule 3 of the Act. However, Carter Group sees some benefit in the appointment of person with experience in infrastructure / transport-related issues if ECan and CCC consider that necessary.
- 15 Carter Group are not aware of any factors that warrant the appointment of more than four panel members.

Tikanga

- 16 This is an issue which the Iwi Authorities and Treaty Settlement Entities will address.

Procedural Requirements

- 17 Carter Group is willing to participate and engage with the Panel to advance the progress of the application efficiently (i.e. briefings meetings, conferencing). At this stage, Carter Group considers that most of the issues identified including planning conferencing on the interpretation issues at paragraphs 13.1 and 13.2 would likely be resolved through expert conferencing on selected issues or topics.

- 18 If the Panel considers that the planning/legal issues identified at paragraph 13.1 and 13.2 need to be resolved following planning conferencing, Carter Group considers that those issues could be resolved by way of written legal submissions.

Participants estimated timeframes

- 19 Schedule 2 of the Minute invites parties to set out estimated timeframes.
- 20 Carter Group generally finds the statutory timeframes appropriate. However, it believes it is important for it to have sufficient time to review comments and materials received from relevant parties.
- 21 On this basis, Carter Group proposes extending the standard 5 working day period under Section 55(2), following the receipt of comments from invited parties, to **25 working days**. This extension would allow the applicant to provide adequate and thorough responses, ensuring that all issues are properly addressed.
- 22 Carter Group does not have any additional issues to raise at this time.

Dated: 18 June 2025



Jo Appleyard/Meg Davidson

Counsel for Carter Group Limited