

18 June 2025

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024 (FTAA)



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Kia ora Jane,

MINUTE OF THE PANEL CONVENER

Advising date for convener conference for Ryans Road Industrial Development (FTAA-2504-1054) (16 June 2025)

Thank you for your minute dated 16 June 2025 regrading Carter Group Limited's (CGL) Ryans Road Industrial development proposal.

Canterbury Regional Council (CRC) can confirm that CRC representatives Nardia Feehan (nardia.feehan@ecan.govt.nz), David Sluter (David.sluter@ecan.govt.nz) and Robyn Fitchett (Robyn.Fitchett@ecan.govt.nz) will be able to attend the convener's conference on **24 June 2025**.

CRC has met with both CGL and Christchurch City Council (CCC) prior to responding to the minute.

Please see below CRC's response to the request in the minute referenced above regarding Schedule's 1 and 2.

CRC trust this information will assist the panel convener regarding the decisions under schedule 3 and section 79 of the FTAA.

Please advise if you need any further clarification on any matters raised in this response. We look forward to working with you at the convener's conference.

Nāku iti noa, nā

Robyn Fitchett

Schedule 1 – Matters to consider when preparing for conference

Approvals

[1] The number and range of approvals sought.

Three approvals are sought. One is for activities described in section 14 of the Resource Management Act 1991 (RMA), one for activities described in section 15 of the RMA and the last for an activity subject to section 9 of the RMA.

- 1) Water permit – Non-complying activity – to dam and divert water associated with the diversion of the Paparua Water Race, which includes:
 - a. temporary damming of the Paparua Water Race to enable works; and
 - b. the temporary diversion of the Paparua Water Race to enable culvert installation and other associated works;
- 2) Discharge permit – Non-complying activity – to discharge water and associated contaminants associated with the diversion of the Paparua Water Race; and the discharge of Construction Phase and Operational Stormwater, which includes:
 - a. the discharge of water and associated contaminants into the Paparua Water Race relating to the damming and diversion required to install the culvert; and
 - b. Construction phase activities related to land development/ preparation/ earthworks; and
 - c. Operational stormwater discharges from structures and impermeable surfaces (which will not be discharged to the CCC reticulated system).
- 3) Land Use Consent – Restricted discretionary activity - earthworks over confined/ semi-confined aquifer and within 50m of a waterbody:
 - a. Earthworks exceeding 100m³; and
 - b. Earthworks within 50m of a waterbody (Paparua Water Race).

Complexity

[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:

- (a) Legal Complexity: novel or difficult legal issues -*
- (i) involve untested law or interpretation of statute;*
 - (ii) involve application for multiple approvals;*

(iii) interface with two or more statutes; and

(iv) engage constitutional law and public law.

(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

(ii) often involve technical or scientific analysis.

(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.

Table 1, below, provides consideration of these specific matters.

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 do 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	Setting aside FTAA, the RMA is the primary statute for this proposal. Within the RMA framework there are a number of legislative documents which apply to this proposal: 1) National Policy Statement for Freshwater Management 2020 2) Resource Policy Statement for Indigenous Biodiversity 2023

		<p>3) National Policy Statement for Urban Development 2020</p> <p>4) National Policy Statement for Highly Productive Land 2024</p> <p>5) Canterbury Regional Policy Statement 2021</p> <p>The applicable regional plan for classifying the proposed activities is the Canterbury Land and Water Regional Plan (LWRP) (s9, s14 and s15).</p>
	(iv) engage constitutional law and public law.	The activities have a non-complying activity status under the LWRP. As such 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 assessment is required to better understand any potential effects. Specifically, CRC considers further conversations need to be had around highly productive land and indigenous biodiversity.</p> <p>As discussed with the applicant, further work is needed to refine final conditions and appropriateness of proposed mitigation.</p>
	(ii) often involve technical or scientific analysis.	Twenty technical reports were lodged supporting the application, each addressing a specific potential effect of the proposal. These assessments relevant to the CRC are:

		<ol style="list-style-type: none"> 1) Geotechnical assessment 2) Detailed site investigation 3) Lizard habitat assessment and Lizard Management Plan 4) Wetlands and Waterways Assessment 5) Avifauna Assessment 6) Stormwater Management Technical Assessment 7) District & Regional Plan assessment 8) Highly Productive Land and Soils Assessment; 9) Assessment of Groundwater Effects 10) Flood Hazard Assessment 11) Assessment of Planning Provisions <p>CRC science staff are currently undertaking a detailed review of these documents.</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	<p>As noted above, the application includes several technical supporting reports, many of which interrelate and rely on each other's conclusions. Sufficient time should be allowed to read and consider these reports and explore the connections between them.</p> <p>CGL, CCC and CRC met prior to drafting this response and it was agreed that sufficient time needs to be allowed to understand and meaningfully respond to any concerns raised through both CCC's and CRC's technical review.</p>
	(ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.	

Issues

[3] Issues identified by the applicant and other participants:

(a) during consultation; and

(b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.

At this time CRC has not raised any significant concerns, but as noted above, reports and assessments are yet to be reviewed in detail. There are some aspects of the proposal and its effects which CRC require further understanding of, specifically the change of rural land use and piping of the Paparoa Water Race.

CRC is willing to have discussions with CGL to further refine conditions, and will continue to have discussions in the meantime, prior to 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.

In respect of [4(a)], key skills or awareness that CRC expects would be beneficial to be included within the Panel include:

- 1) Legal and RMA knowledge given the issues raised above.
- 2) Understanding of condition drafting to ensure proposal is issued with conditions that are monitorable and enforceable.

While not related to core CRC functions, following discussions with CCC and the applicant, it is agreed that it would also be beneficial for the following skills and awareness to be included within the panel:

- 1) Transport engineering or planning (given concerns raised by CCC); and
- 2) Infrastructure capacity/ planning/ 3-waters (given concerns raised by CCC).
- 3) Cultural understanding – CRC consider that an understanding of cultural values would be a relevant consideration for any 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 recommend a nominee with the relevant cultural experience.

In respect of [4(b)], CRC does not consider more than four panel members would be necessary.

The CRC and CCC have identified a number of potential panel nominees who are considered to have the above skills.

Tikanga

[5] Iwi authorities and Treaty settlement entities are invited to advise:

- (a) whether tikanga is relevant to any aspect of the applications for approval.*
- (b) how the panel might receive assistance on those matters.*
- (c) the time required to adequately respond.*

CRC is happy to take direction from the panel and relevant iwi authorities and Treaty settlement entities regarding tikanga.

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) likelihood of any form of hearing process being required and, if so, time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include:*
 - (i) Disputed fact or opinion or*
 - (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not).*

(iii) Proposed conditions.

(iv) Legal issues.

CRC is willing to engage with the panel as necessary. As noted above, CRC is happy to discuss specific matters with CGL in more detail and intends to continue to discuss this application with CGL and other relevant parties.

With respect to any hearing process, CRC considers provision of time for discussion of key matters would be beneficial. In determining how long should be set aside for these, CGL, CCC and CRC have met and have developed an indicative timetable. It was agreed that sufficient time is necessary for meaningful response and discussion around any concerns and conditions drafting.

Anything else?

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

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

Schedule 2: Participants' estimated timeframe

As noted above, CGL, CCC and CRC met to discuss the minute response and indicative timeframes in the table below. After meeting with the applicant, it is understood that they will be requesting more time to provide comments. As s55 of the FTAA doesn't seem to allow for this, CRC have allocated an extra 20 working days under any other procedural step and evaluation to account for this. CRC have also added in additional time for all participants, including the applicant, to comment on conditions as to allow all technical staff to consider these conditions. Again, CRC is happy to discuss timeframes at the meeting with the applicant and are prepared to work with the applicant on conditions through the process, which may help expediate the timeframes.

Task	Working days (W/D)	Date:
Panel commencement	N/A	01 July 2025
Invite comment from relevant parties	10 W/D later	15 July 2025
Comments close (s 53 & s 54)	20 W/D later	12 August 2025
Comments close for applicants (s 55)	5 W/D later Applicant to request more	19 August 2025
Any other procedural step and evaluation	20 W/D later	16 September 2025
Draft decision is to approve		
Draft conditions to participants (s 70)	5 W/D later	23 September 2025
Participant comments on draft conditions (s 70(2))	10 W/D later	07 October 2025
Applicant response to participants on conditions (s 70(4))	10 W/D later	21 October 2025
Draft decision to Ministers (s 72)	5 W/D later than draft decision	23 September 2025
Response from Ministers (s 72)	10 W/D later	07 October 2025
Applicant response to Ministers (allow)	10 W/D later	21 October 2025
Evaluate	5 W/D later	29 October 2025
Any other procedural step and evaluation	5 W/D later	05 November 2025
Decision release	5 W/D later	12 November 2025