

FTA#304: Application for listed project under the Fast-track Approvals Bill – Pound Road Industrial Development Project for Schedule 2A

Date submitted to secretariat:	5 July 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	Attachments: 1. Application documents for Pound Road Industrial Development Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Ngāi Tahu Property Development Holdings	Industrial Development	Canterbury	No

Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Oliver Sangster, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Ilana Miller	s 9(2)(a)	

s 9(2)(b)(ii)

Key messages

1. The Pound Road Industrial Development project is to develop an industrial zone on at least s 9(2)(b)(ii) [REDACTED], on land that is currently s 9(2)(b)(ii) [REDACTED]. The project would enable subsequent industrial development to occur on the site (including buildings, facilities, landscaping, environmental management).
2. The project will comprise:
 - a. subdivision and land development to create the specified industrial sites (including approximately s 9(2)(b)(ii) [REDACTED])
 - b. associated infrastructure development, including roads, utilities, and other necessary facilities.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. The applicant has conditional agreements in place with the property owners of part of the site, totalling approximately s 9(2)(b)(ii) [REDACTED] which could be included within the overall application subject to coordination and arrangements could with the respective owners.
5. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
6. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
7. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
8. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low, medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature



Stephanie Frame
Manager – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	N	N	N	N			
<p>Schedule requested 2A</p> <p>Project Name Pound Road Industrial Development</p> <p>Applicant Ngāi Tahu Property Development Holdings (registered as NTP Development Holdings Ltd)</p> <p>Company director/s s 9(2)(a)</p> <p>Location s 9(2)(b)(ii)</p> <p>The map above shows this full site.</p> <p>Land Status</p>	<p>The project will comprise:</p> <ul style="list-style-type: none"> subdivision and land development to create the specified industrial sites associated infrastructure development, including roads, utilities, and other necessary facilities. 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 	<p>The applicant consulted with Christchurch City Council in December 2023 regarding a potential plan change for the project, with discussions covering how the proposal relates to relevant national policy statements (urban development, and highly productive land).</p> <p>The applicant is in ongoing consultation with adjoining landowners regarding their potential involvement in this project</p> <p>The application does not outline any consultation with Environment Canterbury Regional Council to date.</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>This is discussed further in the substantive Treaty analysis.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No – nothing in the application suggests the project is more appropriate to be dealt with under another Act.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Potentially – the project will result in loss of some highly productive land (LUC class 2 soil). The applicant considers other adverse effects identified can be</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – the applicant suggests that without fast tracking, the project would be unlikely to commence until 2029.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Yes – we have not identified any negative impact of this project on the fast-track process.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes – we consider the application provides sufficient detail to consider this for inclusion on Schedule 2A.</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.</p> <p>No – the project is not identified as a priority in any of these documents. The application considers the project aligns with the Greater Christchurch Spatial Plan on the basis that the area of land is adjacent to an 'existing urban area' and within the indicative green belt.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Potentially – the application notes at this locality a "critical need for freehold industrial land" based on market analysis (noting a 60% land value escalation over two years driven by restricted supply), that the project is expected to stimulate economic growth and jobs, the strategic location for specialised sectors (e.g. logistics), and freight/warehousing for movement of goods regionally and nationally.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>Yes – the application suggests the project contributes to a well-functioning urban environment, including through providing industrial development opportunity with connectivity to State Highways 1 and 73, rail, Christchurch City and Christchurch International Airport.</p> <p>The project will deliver significant economic benefits.</p> <p>Potentially – the application outlines a number of reasons it considers the project will have regionally significant economic benefit (by helping meet demand for industrial land) but does not quantify any of these benefits.</p>

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

<p>The applicant has conditional agreements in place with the property owners of s 9(2)(b)(ii) [redacted].</p> <p>This area is shown on the attached figure 1 location plan.</p> <p>The applicant is in negotiations with the s 9(2)(b)(ii) [redacted] which could be included within the overall application subject to coordination and arrangements with the respective owners.</p>			<p>The applicant states it will engage mana whenua to provide guidance throughout the rezoning process and future design/construction (including embedding cultural expression and leaving enduring cultural markers).</p>					<p>adequately managed (including remediation / management of land with known previous HAIL activities, and visual effects).</p> <p>The applicant has a poor compliance history under the relevant legislation.</p> <p>No</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No – the application does not provide an activity classification for the activity (noting the site's current rural urban fringe zoning). Nothing in the application suggests the project is prohibited under the RMA. We have not assessed this against the planning documents.</p>		<p>The project will support primary industries, including aquaculture.</p> <p>No – we note the project will remove current highly productive land through development of the industrial zone.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p> <p>No – the project itself does not reduce or remove greenhouse gas emissions. The application notes the site is connected to existing roading network. The applicant also discusses landscaping and encouraging energy efficient building design.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>No – the project itself does not support these matters. The application notes the site is generally resilient from natural hazards and is suitable for industrial development.</p> <p>The project will address significant environmental issues.</p> <p>No – the application notes there are no significant environmental issues applicable to the project.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – the application considers the project is consistent with the Greater Christchurch Spatial Plan, the project can be developed to appropriately in light of Christchurch Groundwater Protection Zone 1, and that the 'locality and market' requirements in this area for this type of development justify the loss of class 2 soil. We have not assessed the application against these provisions.</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)

The project does not appear to be ineligible according to the information provided in the application.

<p>Affected Māori group/s</p>	<p>The applicant has not identified any groups with interests in the project area; however, has referred to the applicant is Ngāi Tahu Property Development Holdings.</p> <p>We have identified that the following groups may have interests in the proposed project location:</p> <ul style="list-style-type: none"> • Ngāi Tahu • Rāpaki • Ngāi Tūāhuriri <p><u>Ngāi Tahu</u></p> <p>Information from Te Kāhui Māngai confirms the proposed project location as being within the area of interest for Ngāi Tahu in the Deed of Settlement signed 21 November 1997.¹ Rāpaki and Ngāi Tūāhuriri are papatipu runaka of Ngāi Tahu for the area.²</p>
<p>Has the applicant consulted with those Māori groups?</p>	<p>The applicant is a subsidiary company of Ngāi Tahu Holdings. The applicant states that, as the applicant, it will engage mana whenua to provide guidance throughout the rezoning process and in the future design and construction of the proposed development, embedding cultural expression and narrative to leave enduring cultural markers beyond the period of development.</p>
<p>Impact/s of the project on Māori development and PSGE settlement priorities and related matters</p>	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>The applicant is Ngāi Tahu Property. This is a subsidiary company of Ngāi Tahu Holdings - the investment company of the Ngāi Tahu Charitable Trust of which Te Rūnanga o Ngāi Tahu is the sole trustee.³ Given who the applicant is, that the project objectives (for example, to create job opportunities and stimulate economic growth) align with the overarching strategic objectives/vision of Ngāi Tahu Holdings (and Ngāi Tahu) and will be of significant benefit in terms of Māori development.</p> <p>In the time available, we have identified the following relevant plans and documents:</p> <ul style="list-style-type: none"> • Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury region • Mahaanui Iwi Management Plan <p>It is not possible to confirm from those documents that the project does or does not align with the strategic priorities of those iwi or Māori groups.</p> <p>A full analysis of the plan would need to be undertaken in conjunction with the relevant iwi before any firm conclusions can be reached. That is a matter to be considered in more detail in subsequent stages if this progresses through the fast-track processes.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p><u>Ngai Tahu Claims Settlement Act 1998</u></p> <p><u>Statutory acknowledgements</u></p> <p>This Treaty settlement contains a number of statutory acknowledgements. It is not clear from the application whether a statutory acknowledgement covers or is adjacent to the project site or is directly impacted by the proposed project. The applicant states that there are no statutory acknowledgements adjacent to or within the project site.</p> <p>If the project activity is within or adjacent to, or directly affects, the area of the statutory acknowledgement, the following text applies. Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). For a Schedule 2 Part B listing, Ministers will have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, and they will have the benefit of the clause 13 report. The expert panel will also be required to invite comment from the PSGE on the application (again, noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide exactly the same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and de novo appeal), but as noted above there are some other enhanced rights of participation.</p> <p><u>Iwi Environment Management plans</u></p> <p>Note the comments above in relation to iwi management plans.</p> <p><u>Other matters</u></p> <p>In the time available, officials have not identified any other impacts for the Marine and Coastal Area (Takutai Moana) Act 2011 (noting the project area is not in the common marine and coastal area), groups yet-to-settle their historical claims, Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.</p>

<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available we consider this project is likely to be of low impact. This is due to the fact that Ngāi Tahu Property is the applicant.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial given the nature and range of interests present in the project area but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>N/A</p>

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.