

FTA#122: Application for listed project under the Fast-track Approvals Bill – Rolleston West Residential 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

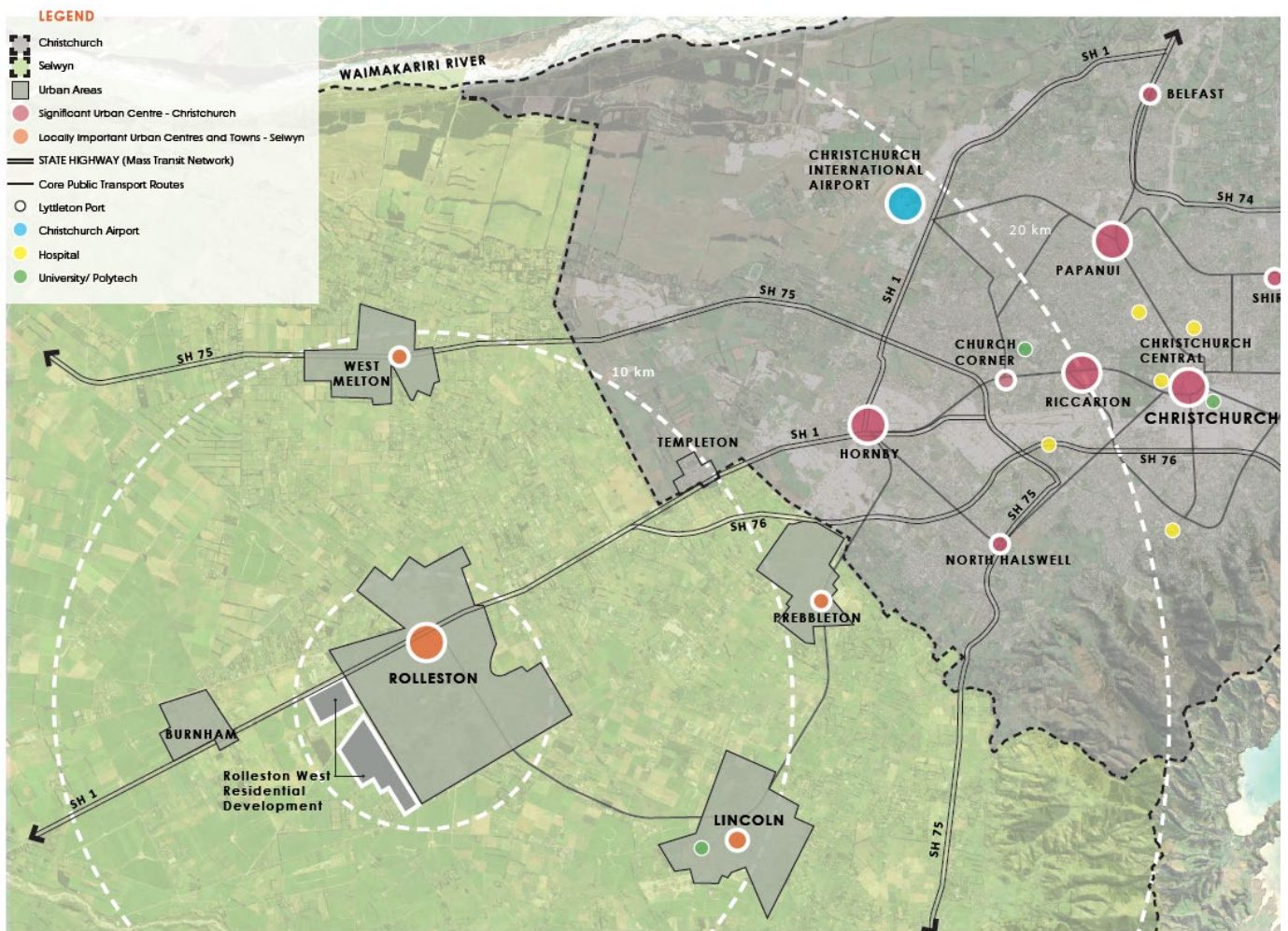
Number of attachments: #	Attachments: 1. Application documents for Rolleston West Residential Development Project
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Applicant	Sector	Region	Identified in a priority/strategy?
Carter Group Limited	Residential	Canterbury	No

Ministry for the Environment contacts

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

Project location



Key messages

1. The Rolleston West Residential Development project is to construct a housing development comprising 4,200 new residential sites and four commercial centres to the west of Rolleston, 25 km southwest of Christchurch central business district.
2. The project will comprise:
 - a. primarily subdivision and land development to create the specified residential sites and commercial centres
 - b. provisions for open space, roading, and three waters infrastructure
 - c. allocation of 2.5 hectares of land required for the planned Dunns Crossing Road and State Highway 1 intersection upgrade by the NZ Transport Agency Waka Kotahi.
3. The project will require resource consents under the Resource Management Act 1991 (RMA).
4. The land and relevant titles required for the project to proceed are either owned by the applicant or under contract to purchase.
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

A handwritten signature in black ink, appearing to read 'S Frame', is written over a light blue rectangular background.

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 Rolleston West Residential Development</p> <p>Applicant Carter Group Limited</p> <p>Company director/s Andrew Tod Carter Philip Maurice Carter David Antonius Van Dijk</p> <p>Location The Site is situated on the western side of Dunns Crossing Road, Rolleston, Canterbury between State Highway 1 to the north and Selwyn Road to the south.</p> <p>Land Status The land and relevant titles required for the project to proceed are either owned by the applicant or</p>	<p>The Rolleston West Residential Development project is to construct a housing development comprising 4,200 new residential sites and four commercial centres to the west of Rolleston, 25 km southwest of Christchurch central business district</p> <p>The project will comprise:</p> <ul style="list-style-type: none"> primarily subdivision and land development to create the specified residential sites and commercial centres provisions for open space, roading, and three waters infrastructure allocation of 2.5 hectares of land required for the planned Dunns Crossing Road and State Highway 1 intersection upgrade by the NZ Transport 	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 	<p>Consultation with Selwyn District Council has occurred throughout the development of the project, primarily to ensure the development can be adequately serviced. Consultation and engagement through previous application processes for this project has resulted in the refinement of the project, including the layout and design of development and the avoidance or mitigation of effects.</p> <p>Canterbury Regional Council actively participated in the private plan change and the Selwyn District Plan review processes, expressing a preference for decisions on the urbanisation of the land to be guided by the Greater Christchurch Spatial Plan and subsequent review of the Canterbury Regional Policy Statement.</p> <p>Engagement with the NZ Transport Agency Waka Kotahi has informed the subdivision and roading design, and the provision for road</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>No</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes - the applicant notes the following effects have been identified;</p> <ul style="list-style-type: none"> Infrastructure Natural hazards and contaminated land Transport Landscape and visual effects and amenity values 	<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 – approving the project through the fast-track process would enable construction to commence on Stage 1 within three months of approvals being received, potentially in late 2024. If the project is unsuccessful, it will likely be multiple years before commencing, and with significant additional costs.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Yes – referral will not impact the efficiency of the process as the</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 applicant notes that the Selwyn District Plan already identifies part of the land as urban and the Greater Christchurch Spatial Plan 2024 has identified that land as an existing 'urban area' and all of the land within the indicative green belt intended to frame the urban extent of Rolleston. In addition, the project is consistent and does not conflict with outcomes sought within the Spatial Plan's direction regarding "Growth in appropriate places".</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>No – however the project will facilitate delivery of the upgrade of the State Highway 1 and Dunns Crossing Road intersection.</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 project's primary purpose is to deliver 4,200 new residential sites in an urban environment designed to meet the needs of the community.</p> <p>The project will deliver significant economic benefits.</p> <p>Yes - economic benefits will arise in the form of additional employment, income and expenditure generated by the project, including increased economies of scale, increased competition, reduced unemployment and underemployment, and increased quality of central government provided services.</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.

under contract to purchase.	Agency Waka Kotahi.		<p>network upgrades required to support the development.</p> <p>Te Taumutu Rūnanga as the relevant iwi authority (and Mahaanui Kurataiao Limited as the agency providing advice on behalf of Te Taumutu Rūnanga) – consultation was undertaken prior to the submission of private plan change requests for the land and Rūnanga participated in the Selwyn District Plan review process making a number of recommendations. These have largely been incorporated into the subdivision proposal.</p>					<ul style="list-style-type: none"> • Urban design and urban form • Ecological effects • Reverse sensitivity • Loss of agriculture production • Retail effects • Economic effects <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</p>	<p>project is stated to strike a balance between speed and thoroughness, aligns with the Act's purpose, and addresses critical needs in the community.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p> <p>Yes</p>	<p>The project will support primary industries, including aquaculture.</p> <p>No</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 applicant notes that the project supports climate change mitigation through its distance from coastal and low-lying areas susceptible to sea-level rise and storm surges, its resilience to heavy rainfall events/frequency, and the potential for landscape provision in streets, open spaces and residential sites to mitigate increased mean temperatures or amplification of heat extremes.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – the applicant notes that the land is not susceptible to sea-level rise, storm surges or significant flooding risks and is not subject to any other notable natural hazards.</p> <p>The project will address significant environmental issues.</p> <p>No</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes - the local and regional planning documents contain provisions that enable regional development activities, where adverse effects on the receiving environment are able to be appropriately managed and mitigated.</p> <p>On the basis that the potential adverse effects of the project on the surrounding environment are able to be appropriately managed, the project will be consistent with the local and regional planning documents</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

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

Fast Track Approvals Bill (version as at introduction)	
Affected Māori group/s	<p>The applicant has identified the following groups with interests in the project area:</p> <ul style="list-style-type: none"> • Ngāi Tahu • Te Taumutu Rūnanga • Mahaanui Kurataiao Limited <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 1997.² Taumutu is a papatipu runaka of Ngāi Tahu and exercises mana whenua over the area.</p> <p><u>Mahaanui Kurataiao Limited</u></p> <p>Mahaanui Kurataiao Limited is a resource and environmental management advisory company that represents the six papatipu runaka of Te Tai o Mahaanui including Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga, Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga and Te Taumutu Rūnanga.</p> <p>In addition to the groups identified by the applicant, we have also identified that Rāpaki may potentially have interests in the proposed project location.³ Rāpaki is a papatipu runaka of Ngāi Tahu for the area.</p>
Has the applicant consulted with those Māori groups?	<p>The application states that:</p> <p><i>Te Taumutu Rūnanga as the relevant iwi authority (and Mahaanui Kurataiao Limited (MKT) as the agency providing advice on behalf of Te Taumutu Rūnanga) – consultation was undertaken prior to the submission of private plan change requests for the land and Rūnanga participated in the Selwyn District Plan review process.</i></p> <p><i>Mahaanui made a number of recommendations on the private plan change:</i></p> <ul style="list-style-type: none"> • To avoid infilling of the waterway and provide a minimum 10m setback between all waterways. • A landscape plan be prepared utilising indigenous planting that is locally sourced. • All riparian areas should be planted with appropriate species to reduce contaminants reaching water. • An on-site assessment of the fauna present in the waterways be carried out to determine species present; • To avoid effects on wāhi tapu and wāhi taonga an Accidental Discovery Protocol should be in place during all earthworks; • Appropriate sediment controls are in place to prevent runoff reaching waterways that are consistent with Environment Canterbury's Erosion and Sediment Controls. • Incorporate best practice stormwater management controls to mitigate the effects of development and allow for stormwater infiltration. • Incorporate the recommendations from the Ngāi Tahu Subdivision Development Guidelines, particularly with regards to stormwater controls and indigenous plantings. • Development not occur within the recognised odour constrained area. <p><i>These recommendations have largely all been incorporated into the subdivision proposal, and have been carried through to this application. MKT otherwise filed submissions and further submissions on behalf of Te Taumutu Rūnanga on the recent Selwyn District Plan review, but did not through that process raise concerns or issues with the proposed urban residential rezoning and development of the land.</i></p> <p>The application does not state whether any consultation has been undertaken in relation to the fast-track application.</p>
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct 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 Rūnanga o Ngāi Tahu Freshwater Policy • Te Whakatau Kaupapa - a Resource Management Strategy for Canterbury • Te Taumutu Runanga Natural Resource Management Plan 2003 <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>Ngāi Tahu Claims Settlement Act 1998</p> <p><i>Statutory acknowledgements</i></p>

² TKM | Iwi | Ngāi Tahu | Te Kahui Māngai

³ Rāpaki | Te Rūnanga o Ngāi Tahu (ngaitahu.iwi.nz)

	<p>This Treaty settlement contains a number of statutory acknowledgements. The application states that the project site is not subject to any statutory acknowledgments.</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>There have been no joint management agreements, mana whakahono ā rohe or Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 considerations identified, or unsettled claims identified in the project area. In the time available, officials have not identified any other relevant matters.</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 medium impact. This is due to the nature and range of interests present in the project area.</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.