Ministry for Cities, Environment, Regions & Transport

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2610-1315 Rolleston West Residential Development

To:	Date:
Panel Convener, Jane Borthwick	12 November 2026

Number of attachments: 3	Attachments: 1. Provisions of section 18 of the Fast-track Approvals Act 2024 2. Project location maps 3. List of relevant Māori groups

Ministry for Cities, Environment, Regions & Transport contacts:

Position	Name	Cell phone	1st contact
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Key points

1. As required by section 49 of the Fast-track Approvals Act 2024 (the Act), the Ministry for Cities, Environment, Regions & Transport (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations (section 18 of the Act) in relation to the FTAA-2610-1315 Rolleston West Residential Development substantive application.
2. The applicant, Carter Group Limited, proposes to develop an approximately 263-hectare site located on the outskirts of Rolleston, in the Selwyn District. The project comprises approximately 4,134 dwellings, three commercial centres, an integrated transport and open space network, and supporting infrastructure. The applicant is seeking approvals under the Act which would otherwise be sought under the Resource Management Act 1991 (RMA) and Wildlife Act 1953.
3. Section 18(2) of the Act requires that this report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Many of those groups must be invited by the panel to comment on a substantive application under section 53(2) of the Act. We have identified Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu

Rūnanga, Whitiora Centre Limited, and Mahaanui Kurataiao Limited as the relevant groups.

4. The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998. In its acknowledgements and apology to Ngāi Tahu, the Crown recognised its failures to fulfil its Treaty obligations and committed to a new age of co-operation with Ngāi Tahu. The Crown also recognised Ngāi Tahu as holding rangatiratanga and mana within the takiwā of Ngāi Tahu Whānui.
5. While other redress provided through the Ngāi Tahu settlement provides important context for this application – such as that relating to Te Waihora/Lake Ellesmere, taonga species, and the conservation protocol – we have not identified any other principles and provisions of the settlement which are directly relevant. We note that the project area is within an area subject to regulations made under Part 9 of the Fisheries Act 1996, which established the customary food gathering area/rohe moana of Te Taumutu Rūnanga.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

6. For a substantive application that relates to a listed project, under section 49 of the Act, the Environmental Protection Authority (EPA) must request a report from the responsible agency (Secretary for the Environment) that is prepared in accordance with section 18(2) and (3) of the Act (but does not contain the matters in section 18(2)(l) and (m)).
7. The information which must be provided in this report includes:
    a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area; and
    b. relevant principles and provisions in Treaty settlements and other arrangements.
8. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

9. The applicant, Carter Group Limited, proposes to develop an approximately 263-hectare site located on the outskirts of Rolleston, in the Selwyn District. The project comprises: approximately 4,134 dwellings across 3,978 residential lots and five super lots; three commercial centres; an integrated network of roads, walking and cycling connections, reserves and open spaces; and supporting infrastructure. The project is also known as Westhaven Residential Development.
10. The applicant is seeking approvals under the Act which would otherwise be sought under the RMA (including subdivision consent; land use consent for earthworks, removal of wetland, vegetation clearance, and earthworks within wetlands; water permits for groundwater take for construction dewatering, wetland drainage, and take and diversion of water within the Paparua Water Race; and stormwater discharges) and Wildlife Act 1953 (for disturbing native lizard habitat and the capture and relocation of any native lizards).
11. The project area is on the western side of Dunns Crossing Road, between State Highway 1 and Selwyn Road. The land comprises eight titles, of which five are held by companies related to the applicant, and there are unconditional agreements in place for the acquisition of the remaining properties.
12. We have provided location maps at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

13. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**, including contact details.[1]

Iwi authorities

14. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

> *the authority which represents an iwi and which is recognised by that iwi as having authority to do so*.

[1] These are the contact details we could locate in the time available, and in some cases they will be the generic email address for the entity.

15. We consider the following groups to be the relevant iwi authorities for the project area:

    a. Te Rūnanga o Ngāi Tahu, representing Ngāi Tahu.

Treaty settlement entities

16. Under section 4(1) of the Act, "Treaty settlement entity" means any of the following:

    (a) a post-settlement governance entity (PSGE):

    (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:

    (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:

    (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):

    (e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

17. Under the Act, a PSGE:

    (a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—

        (i) by that group; or

        (ii) by or under an enactment or order of a court; and

    (b) includes—

        (i) an entity established to represent a collective or combination of claimant groups; and

        (ii) an entity controlled by an entity referred to in paragraph (a); and

        (iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).

18. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.[2]

19. We have identified the following relevant Treaty settlement entities for this project area:

    a. Te Rūnanga o Ngāi Tahu, PSGE for the Ngāi Tahu Claims Settlement Act 1998;

    b. Te Ngāi Tūāhuriri Rūnanga, representing Ngāi Tūāhuriri, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998; and

    c. Te Taumutu Rūnanga, representing Taumutu, Papatipu Rūnanga of Ngāi Tahu Whānui as recognised in the Ngāi Tahu Claims Settlement Act 1998.

[2] Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

Groups mandated to negotiate Treaty settlements

20. There are no groups which have recognised mandates to negotiate a Treaty settlement over an area which may include the project area. All historical claims under te Tiriti o Waitangi / the Treaty of Waitangi have been settled in respect of the project area.

Takutai Moana groups and ngā hapū o Ngāti Porou

21. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

22. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

23. The project area does not include a taiāpure-local fisheries area or mātaitai reserve.

24. However, the project area is located in an area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996. Under the Fisheries (South Island Customary Fishing) Regulations 1999, the Fisheries (South Island Customary Fishing) Notice (No. 36) 2002 (No. F233) established the customary food gathering area/rohe moana of Te Taumutu Rūnanga, which includes the project area.

25. The relevant tangata whenua are Te Taumutu Rūnanga. The regulations and notice provide for Te Taumutu Rūnanga to take fisheries resources and manage customary fishing anywhere in the rohe moana for which they are tangata whenua, which includes the project area.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

26. Section 39 of the Act provides that before a substantive application is lodged for a listed project or a referred project, the Minister may determine under section 23 or 24 that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:

    a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and

    b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

27. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant joint management agreements

28. If the project area is within the boundaries of a joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

29. We have not identified any joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify.

Any other Māori groups with relevant interests

30. We consider the following entities, owned by the relevant papatipu rūnanga, as other Māori groups that may have relevant interests in the application, as they may represent the papatipu rūnanga on environmental and other policy matters in the project area:
    a. Whitiora Centre Limited (owned by Te Ngāi Tūāhuriri Rūnanga); and
    b. Mahaanui Kurataiao Limited (owned by Te Taumutu Rūnanga and five other papatipu rūnanga).

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

31. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
32. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
    a. Ngāi Tahu Claims Settlement Act 1998.

Relevant principles and provisions

33. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

34. As part of the Ngāi Tahu Treaty settlement, the Crown apologised to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries and, in fulfilment of its Treaty obligations, the Crown states that it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the takiwā of Ngāi Tahu whānui.
35. Respect for Ngāi Tahu views on resource management matters and enabling effective involvement of Ngāi Tahu as a Treaty partner in resource management decision-making within the takiwā are important ways in which the Crown can give ongoing effect to these acknowledgements and uphold its relationship with Ngāi Tahu.

Other redress

Te Waihora

36. The project area is within the catchment area of Te Waihora/Lake Ellesmere, which lies approximately 10 kilometres south. The Ngāi Tahu Claims Settlement Act 1998 recognised the importance of Te Waihora by vesting the lakebed in Ngāi Tahu, providing for a joint management plan with the Director-General of Conservation over public conservation land

surrounding the lake, and other forms of redress (cultural vesting of land, leases, deferred selection properties, coastal statutory acknowledgement) near the lake.

37. Notwithstanding this, we did not identify any settlement redress relating to Te Waihora which applies to that part of the catchment that includes the project area.

38. According to the information provided by the applicant, the only watercourse within the site is a branch of the Paparua Water Race, an artificial watercourse which is fed by an intake from the Waimakariri River. Approximately 475 metres of the water race will be retained, realigned and enhanced through riparian planting. A 2.8-kilometre downstream reach of a fork of the water race within the project area is proposed to be closed and filled (with approval for the closure to be sought separately from Selwyn District Council). The project will also result in the proposed loss of a small wetland of low ecological value, which is not connected to any nearby wetland areas or waterways.

39. The applicant proposes stormwater be managed primarily by disposal to ground. Stormwater runoff will be collected, drained and treated through soakage devices, via kerbs and channels into appropriately placed sumps or stormwater reserves, before discharging to ground. The proposed wastewater and potable water solutions would utilise the existing reticulated network, integrating with planned wider network upgrades before the relevant stages are connected given current constraints on capacity.

40. Nevertheless, in light of the significance of Te Waihora and the redress provided through the settlement, Ngāi Tahu will have an interest in the potential impact of any of the proposed activities on Te Waihora and its catchment.

Taonga species

41. The Crown has also acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals. The Ngāi Tahu Claims Settlement Act 1998 contains several other provisions relating to taonga species, including a requirement that the Minister of Conservation consult with, and have particular regard to, the views of, Te Rūnanga o Ngāi Tahu when making policy decisions concerning the protection, management, or conservation of a taonga species.

42. The settlement provisions regarding taonga species do not place any procedural obligations on the applicant or consent authority in relation to the Wildlife Act 1953 approvals being sought as part of this application, for disturbing native lizard habitat and the capture and relocation of any native lizards. Further, there are no lizards named amongst the taonga species listed in the Ngāi Tahu settlement.

43. Nevertheless, it is likely that the project area may be a habitat for some taonga species:

    a. while the application documents do not include an assessment of avifauna, other applications in the same locality have identified the presence of taonga bird species such as pīhoihoi/New Zealand pipit, karearea/New Zealand falcon, riroriro/grey warbler, pūtakitkaki/paradise shelduck, pīwakawaka/fantail, kāhu/Australasian harrier, and pūkeko;[3] and

    b. the aquatic ecological assessment provided by the applicant cited previous research that indicated the presence of piripiripōhatu/torrentfish, a taonga fish species, and kākahi/freshwater mussel, a taonga shellfish species, in some reaches of the Paparua Water Race.

[3] We note that pūkeko can be observed in one of the photographs included in the terrestrial ecology report provided by the applicant.

44. We note the applicant is proposing planting of several taonga plant species, including wī/silver tussock, harakeke/flax, mānia/sedge, and toetoe.

Conservation protocol

45. The Ngāi Tahu Claims Settlement Act 1998 also provides for the Minister of Conservation to issue a protocol which sets out how the Department of Conservation (DOC) will exercise its functions, powers, and duties in relation to specified matters within the Ngāi Tahu claim area, and how DOC will interact with Te Rūnanga o Ngāi Tahu and provide for their input into DOC's decision-making process.

46. While the current version of the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,[4] in general it does not address the types of conservation-related approvals sought by the applicant (i.e. Wildlife Act 1953 authority).

47. Ultimately, iwi and hapū, including papatipu rūnanga, are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

48. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

49. As noted above, the project area does not include a taiāpure-local fishery or mātaitai reserve, but is within an area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996. Under the Fisheries (South Island Customary Fishing) Regulations 1999, the Fisheries (South Island Customary Fishing) Notice (No. 36) 2002 (No. F233) established the customary food gathering area/rohe moana of Te Taumutu Rūnanga. This provides for Te Taumutu Rūnanga to take fisheries resources and manage customary fishing anywhere in the rohe moana for which they are tangata whenua, which includes the project area.

50. Should this application be accepted for referral, a panel may wish to consider whether the substantive application would affect the exercise of customary fishing within the rohe moana. Te Taumutu Rūnanga are likely best placed to advise the panel on this matter.

[4] The protocol specifies the following matters: cultural materials; freshwater fisheries; culling of species of interest to Ngāi Tahu; historic resources; RMA involvement; and visitor and public information. The freshwater fisheries provisions cover engagement with Ngāi Tahu on the establishment of customary fisheries regulations (i.e. the Fisheries (South Island Customary Fishing) Regulations 1999), and consultation on the conservation and management of, and research into, freshwater fisheries, but not in relation to decision-making on approvals. The protocol provisions relating to the RMA are about working with DOC on advocacy regarding the environmental effects of activities controlled and managed under the RMA and are unlikely to be directly relevant to this application. The latest version of the protocol is appended to the 2016 Conservation Management Strategy for Canterbury (Waitaha) at pages 290-300: Canterbury (Waitaha) Conservation Management Strategy 2016.

Joint management agreement

51. As noted above, we have not identified any joint management agreements that are relevant to the project area.

Consultation with departments

52. In preparing this report, we are required to consult relevant departments. We have previously sought advice from Te Puni Kōkiri and the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups for other projects in this area, and the Ministry for Primary Industries regarding customary fisheries regulations, and have incorporated their views into this report.

Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

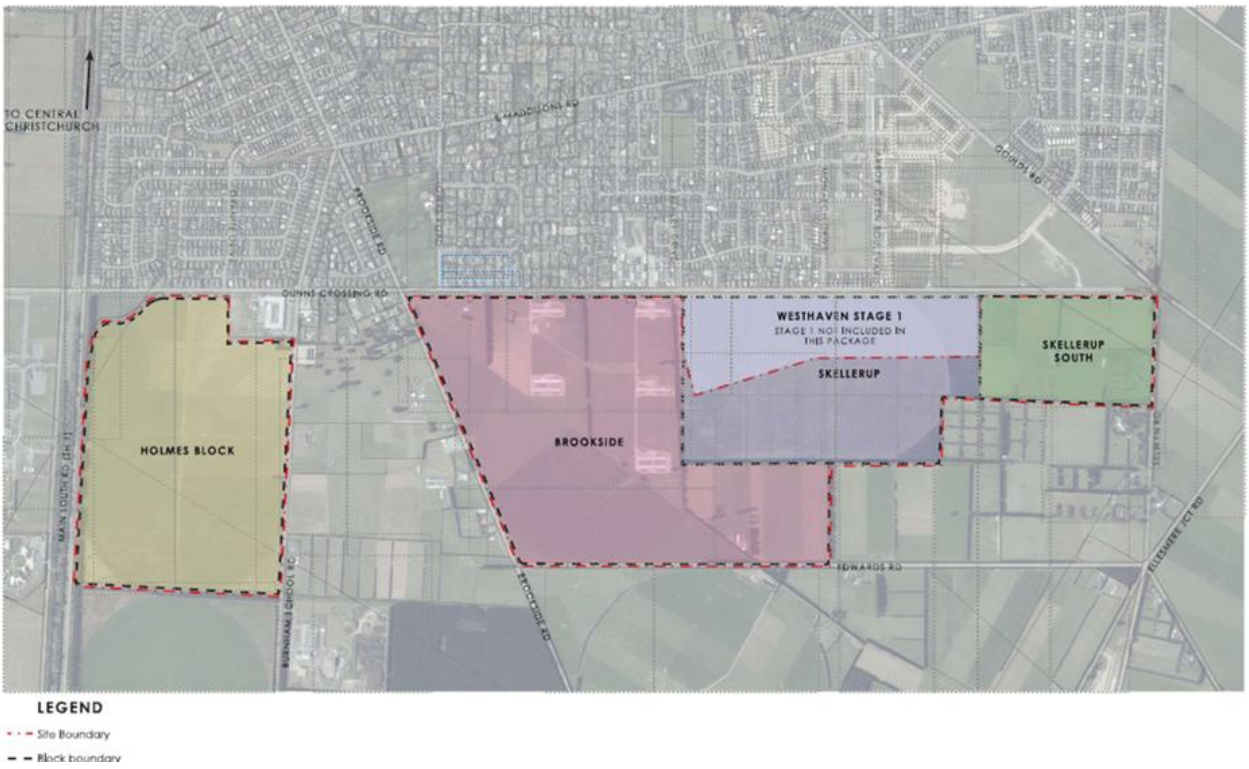
Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, consider a report that is prepared and provided by the responsible agency in accordance with this section.	Not applicable to substantive applications – section 18 report is required by section 49.
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	14-19
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	31-32
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	33-47
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	20
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	21, 48
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	21, 48
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	22, 48
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaitai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	23-25, 49-50
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	26-27
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation),	28-29, 51

	(i) iwi authorities and groups that represent hapū that are parties to relevant joint management agreements. (ii) The relevant principles and provisions in those joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	30
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	Not applicable to substantive applications
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	Not applicable to substantive applications
18(3)	In preparing the report required by this section, the responsible agency must consult relevant departments.	52
18(4)	The responsible agency must provide the report to the Minister not later than 20 working days after the date for providing comments under section 17(6).	N/A
18(5)	However, if the Minister requests further information about a referral application under section 20, the time period specified in subsection (4) ceases to run for the period of time specified in the request.	N/A

Attachment 2: Project location maps




Holmes Block
Westhaven Central & South Block
Westhaven Stage 1
Wards Rd
Walkers Rd
Kerrs Rd
Jones Rd
Link Dr
Rollleston
Runners Rd
Dunns Crossing Rd
Burnham School Rd
Burnham
Brookside Rd
Burnham Rd
Selwyn Rd
Springston Rolleston Rd
Ellesmere Junction Rd


TO CENTRAL CHRISTCHURCH
DUNNS CROSSING RD
HOLMES BLOCK
BROOKSIDE
WESTHAVEN STAGE 1
STAGE 1 NOT INCLUDED IN THIS PACKAGE
SKELLERUP
SKELLERUP SOUTH
EDWARDS RD
LEGEND
Site Boundary
Block boundary

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)	Contact person	Contact email
Te Rūnanga o Ngāi Tahu	iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a) – Ngāi Tahu Claims Settlement Act 1998)	Lisa MacKenzie	lisa.mackenzie@ngaitahu.iwi.nz rachael.pull@ngaitahu.iwi.nz [redacted] ttw@ngaitahu.iwi.nz
Te Ngāi Tūāhuriri Rūnanga	Ngāi Tahu Papatipu Rūnanga – Treaty settlement entity (s18(2)(a))	Tania Wati, Representative	tuahiwi.marae@ngaitahu.iwi.nz
Te Taumutu Rūnanga	Ngāi Tahu Papatipu Rūnanga – Treaty settlement entity (s18(2)(a); tangata whenua for customary fisheries regulations (s18(2)(h))	David Perenara-O'Connell Ra Steer	taumutu@ngaitahu.iwi.nz
Whitiora Centre Limited	Entity owned by Papatipu Rūnanga – other Māori group with relevant interests (s18(2)(k))	Ruiha Johnson	[redacted] harry.davidson@whitiora.org.nz consents@whitiora.org.nz admin@whitiora.org.nz [redacted]
Mahaanui Kurataiao Limited	Entity owned by Papatipu Rūnanga – other Māori group with relevant interests (s18(2)(k))	Manaia Cunningham Angela Burton	Mahaanui.admin@ngaitahu.iwi.nz