
MINUTE 5 OF THE PANEL CONVENER

Advising of the Expert Panel Appointments and Decision Timeframe

[FTAA-2606-1253]

19 August 2026

[1] Carter Group Ltd seeks approvals to subdivide and develop 154 hectares of rural-zoned land adjoining the Ōhoka settlement in the Waimakariri District.

- (i) The proposal provides for 879 residential allotments of varying sizes,
- (ii) a local centre providing day-to-day goods and services,
- (iii) a retirement village of up to 250 units,
- (iv) a polo ground and associated facilities, and
- (v) a comprehensive network of roads, reserves, waterways, and three-waters infrastructure.

[2] A conference was held on Monday, 17 August 2026, at 10 am. I am grateful for the consideration given to this application in the detailed memoranda filed. A list of those who attended the conference is attached to this memorandum and marked “A”. The EPA will provide the memoranda to the panel after it is appointed; the memoranda serve as a snapshot of the current topics and issues.

Principal issues in contention

[3] The project is an out-of-zone development. Without detracting from the issues identified by the applicant and participants, the following matters arise:

- (a) does the project contribute to a well-functioning urban environment

in the context of the NPS-UD?

- (b) what is the extent of the project's national or regional benefits?
- (c) what standard of supporting information and assessment is appropriate to consent approvals sought under the Fast-track Approvals Act?
- (d) related to (c), must the applicant demonstrate that essential services can be provided (notwithstanding that detailed design may follow the grant of the application). Essential services include a community water supply; and
- (e) what are the effects of the project on people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects.

[4] Next, I address the issues raised in relation to three-waters infrastructure in the context of the subdivision consent and, separately, the conditions of land use consents. This is relevant to the architecture of the consent approvals sought.

Subdivision consent

[5] A principal issue in contention is the service level of a new community drinking-water scheme and the effects of taking and using groundwater. Approvals are sought to take and use groundwater for a new community drinking-water supply. I understand there is no test bore or flow testing undertaken. The local authorities are concerned that the applicant cannot demonstrate the available flow rates and capacity to meet required levels of service of the scheme, nor exclude drawdown effects on neighbouring wells, or stream depletion effects (including effects on reliability of existing permits to take and use surface water).

[6] The Regional Council advises that, under the Resource Management Act 1991, applying for a water permit without this information is unusual. However, the Council says that a different approach might apply under the Fast-track Approvals Act. For example, it may be acceptable to rely on the results of an

aquifer test of a bore located within 500m of the eventual bore field. The legal issue that arises is whether the standard of proof for a consent approval sought under the FTAA differs from that under the Resource Management Act. Put another way, what standard of supporting information and assessment is appropriate to consent approvals sought under the Fast-track Approvals Act.

[7] A second issue in contention concerns whether the proposed stormwater management is adequate for a site subject to overland flow and floodplain inundation during significant rainfall events.¹ Before approvals are granted, the District Council says the applicant must address a shortfall in stormwater attenuation. As with the groundwater takes, the issue is whether, and to what extent, the effects of the project are understood and can be managed. The District Council says the size of stormwater management areas and utility reserves are matters on which the panel will need to be satisfied and that these matters cannot be left to engineering signoff.² The District Council advise is that the proposed stormwater management regime does not meet its Engineering Code of Practice.

[8] The community drinking-water scheme and stormwater management areas and associated infrastructure are assets proposed to vest to the District Council.³ The District Council has not decided whether it will accept vesting, and, I am told, will not do so while waiting on further information from the applicant.

[9] Finally, the applicant proposes to connect new wastewater infrastructure to the existing rising main which runs from the Bradleys Road Pump Station to the Rangiora Wastewater Treatment Plant. The proposal is not in accordance with the District Council's Wastewater Policy, and there are capacity constraints at the Treatment Plant. The District Council has sought further information about what

¹ Application, Appendix 22 – Flood Assessment – Pattle Delamore Partners.

² If greater land area is required for stormwater management, this may impact the subdivision and use of land.

³ Information gaps were identified in s the s46 completion and scope assessment.

is proposed.

Land use consent

[10] The conditions proposed for the land use consent approvals are for an intensity of development permitted in the General Residential, Large Lot Residential, and Local Centres zones of the Proposed District Plan. As the rural zone rules do not provide for such development, the standards for permitted activities in the district-wide rules and built-form rules for those zones are to be imposed as conditions of the consent approvals.

[11] There are two notable exceptions. Firstly, the proposed maximum gross floor area for all retail activities within the site is 9000 m². This exceeds the maximum gross floor area of 2,700m² for the Mandeville area. Secondly, retirement villages are not permitted activities in the General Residential Zone. While the consent approval would authorise a retirement village, this is a restricted discretionary activity in the General Residential Zone if the application is accompanied by a design statement. [The application is not accompanied by a design statement.]

[12] The applicant has deliberately framed the application to provide for maximum flexibility in land use: any activity permitted in the General Residential, Large Lot Residential, and Local Centres zones would be authorised by this consent. The level of flexibility this affords to the applicant is comparable to that available if the land were zoned for the intended use. The applicant says it is impractical to prescribe built form, and design outcomes for, say, 879 homes. Consequently, while the application includes an urban design report and visual representations of a future development, the conditions of consent do not prescribe those outcomes *per se*. The standards for permitted activities are relied upon to manage environmental effects.

Engagement

[13] The Act contains no equivalent to section 92 of the Resource Management Act 1991: once commenced a panel cannot place the application on hold pending further information. The decision-making timeframe, and participants' resources ought not be taken up by matters capable of earlier resolution.

[14] The applicant is engaging with the Regional Council, including clarifying information contained in the application. The applicant says it does not intend to engage with the District Council because it says that the District Council is already aware of the proposal through the previous plan change/plan review processes, or the information sought is already contained in the application.

[15] Whilst the District Council may be aware of the proposals through the previous plan change/review processes, any rezoning would have been subject to subsequent subdivision consents, at which stage the proposal details would be addressed with a high degree of specificity. Moreover, the District Council indicates its willingness to discuss with the applicant matters capable of being addressed through conditions.

[16] Dialogue with the District Council is recommended. If approved, the District Council must agree to the proposed vesting of land and services, and to access to, and the funding or upgrading of, its network infrastructure. Early discussion between the applicant's experts and the District Council on the technical aspects of the project may clarify the application, narrow the matters requiring the panel's consideration, and reduce the need for directions under section 67 within a fixed decision timeframe.

[17] I record that the applicant is arranging a meeting with the Department of Conservation's experts to address information gaps in the application for a wildlife approval. The proposed conditions for the archaeological approval are not agreed; contact has yet to be made with Heritage New Zealand. Due to capacity constraints and the high volume of fast-track applications, Ngā Tūāhuriri Rūnanga

will engage after the panel has been appointed.

[18] There has been no engagement with local landowners/occupiers (approximately 70 people) or with people in the neighbourhood or wider community. For wider context, the applicant produced the notices filed in relation to its appeal in zoning by two community groups: Ohoka Residents Association Incorporated and Oxford-Ohoka Community Board. The groups are parties to the applicant's appeal seeking to rezone its land; the groups have declined mediation.⁴

Seeking directions on suspension or filing of further reports

[19] It is a matter for the Panel to decide whether to grant a suspension (s 64) or direct that further reports or information be filed (s 67).

[20] Before applying to suspend or to file further information, I strongly encourage the applicant and participants⁵ to confer and propose agreed directions on the timing and exchange of any reports/information to be produced.

Timeframe for the decision

[21] At the conclusion of the conference, the applicant undertook to provide the further information requested by 31 August 2026. I assume that undertaking extends to the Regional Council and the Department of Conservation, but not the District Council, which the applicant says already has the relevant information.

[22] The applicant proposed a 60-working-day timeframe, which I do not consider appropriate. As at the date of this minute, none of the issues raised by the conference participants have been narrowed or resolved, including matters identified as capable of resolution through agreed conditions. The position of

⁴ Applicant memorandum dated 12 August 2026.

⁵ That is, participants intending to produce expert reports in a relevant field.

other persons who must be invited to comment is not known. This bears directly on the scale, nature, and complexity of the approvals sought, and on the time the panel will need to consider and decide them.

[23] The timeframe should accommodate the possibility of directions for further information under section 67, and the directions for expert conferencing and conditions workshopping that the Regional Council and District Council intend to seek. Having regard to the above matters, I set a timeframe of 90 working days for the panel to issue its decision documents.

[24] Accordingly, the panel will be appointed on 24 August 2026. For the purposes of section 53 of the Act, the panel will commence on 31 August 2026. The panel will invite comments from participants by 14 September 2026; comments will be due by 12 October 2026. The applicant's response will be due 19 October 2026. Subject to the processing of the application being suspended for any reason set out in section 60 of the Act, the decision on the application will be due on 10 March 2027.

The panel

[25] The following persons will be appointed to the panel:

- (a) Kate Barry-Piceno (Chair);
- (b) Ian Munro;
- (c) Phil Barry; and
- (d) Peter Christensen (local authority nominee).

[26] All panel members have knowledge, skills, and expertise relevant to the approvals sought in the substantive application. I am satisfied that all members understand te ao Māori and Māori development. I have also satisfied myself as their availability and capacity. I have satisfied myself that no conflicts of interest are disclosed, and all have confirmed that they have capacity to decide this application.

A handwritten signature in black ink, appearing to read 'Jane'.

Jane Borthwick

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

Attachment A: List of attendees at the Panel Convener Conference on 17 August 2026.

Applicant (Carter Group Ltd)	Ben Williams
	Tim Walsh
	Jeremy Phillips
	Jono Begg
	Pia Jackson
	Tim Carter
	Bruce Van Duyn
Canterbury Regional Council	Jo Mitten
	Sam Prystupa
	Michelle Mehlhopt
Waimakariri District Council	Tim Johnston
	Wendy Harris
Heritage New Zealand Pouhere Taonga	Mel Russell
Department of Conservation	Nicole Heron
	Dean van Mierlo

Memorandum filed in advance of the conference can be found here:

<https://www.fasttrack.govt.nz/projects/Ohoka-residential-subdivision/conferences,-workshops-and-hearings>