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3 November 2026

Environmental Protection Agency
Attention: Fast-track team

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By Email: substantive@fasttrack.govt.nz

Dear Fast-track team

WESTHAVEN RESIDENTIAL DEVELOPMENT (ROLLESTON WEST RESIDENTIAL DEVELOPMENT) - SUBSTANTIVE APPLICATION UNDER THE FAST-TRACK APPROVALS ACT 2024

1 We act for Carter Group Limited (**Carter Group**).

2 This letter accompanies and submits Carter Group's substantive application under the Fast-track Approvals Act 2024 (**FTAA**) for the Westhaven Residential Development, being the Schedule 2 listed Rolleston West Residential Development (**Project** or **Application**), for approvals under:

(i) Section 42(4)(a) for subdivision and land use resource consents that would have otherwise been applied for under the Resource Management Act 1991 (**RMA**); and

(ii) Section 42(4)(h) for a wildlife approval for lawful authority for an act or omission that would otherwise be an offence under the Wildlife Act 1953 (**Wildlife Act**).

3 The approvals sought will enable the comprehensive subdivision and development of approximately 263 hectares of General Residential Zoned land adjoining the western edge of Rolleston in the Selwyn District (**Site**). The Project will deliver significant regional benefits, including through the provision of:

(a) approximately 4,134 residential allotments;

(b) three commercial centres;

(c) a range of residential densities and housing choices;

(d) an integrated network of roads, walking and cycling connections, reserves and open spaces; and

(e) the infrastructure necessary to support the development.

4 In support of the Application, please find **enclosed**:

(a) the Substantive Application Form for the Project, completed through the EPA's online portal, including:

(i) Checklist A (resource consent, change to or cancellation of a resource consent);

(ii) Checklist A1 (subdivision or reclamation resource consent);

(iii) Checklist A2 (application including standard freshwater fisheries activity checklist);

(iv) Checklist E (wildlife approval);

(v) Checklist J (listed project information requirements);

(b) an Assessment of Environmental Effects (AEE); and

(c) appendices containing the reports and information referred to in the AEE.

APPLICATION REQUIREMENTS

5 The Application:

(a) complies with:

(i) section 42;[1] and

(ii) sections 43 and 44;[2]

(b) relates solely to a listed project;

(c) does not involve an "ineligible activity"; and

(d) the relevant fees and levy in respect of the Application will be paid once the invoice is received.

6 Accordingly, the Application is complete and falls within scope for the purposes of section 46(2) of the FTAA.

7 Further context is provided below in relation to:

(a) section 43(2)(c) which requires an explanation of how the Application is within scope of the listed project; and

(b) the application of recent amendments to the RMA and FTAA made by the Planning Act 2026.

EXPLANATION OF HOW THE APPLICATION IS COMPLETE AND WITHIN SCOPE OF THE LISTED PROJECT

8 Section 43(2)(c) of the FTAA requires the Applicant to provide:

> the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project.

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[1] As the "authorised person" for the Project, which is listed in Schedule 2 of the FTAA, Carter Group is entitled to lodge the Application under section 42 of the FTAA.

[2] For completeness, an assessment of the Application against the requirements of sections 43 and 44 is set out in **Attachment A** to this letter.

9 The information Carter Group provided when applying to have the Project listed is publicly available on the Ministry for the Environment's website.[3] The listing application described the Project as a master-planned residential development situated on the western side of Dunns Crossing Road, between State Highway 1 and Selwyn Road. It proposed approximately 4,200 residential units, four commercial centres, associated infrastructure and provision for the planned upgrade of the State Highway 1 and Dunns Crossing Road intersection.

10 The project description in Schedule 2 of the FTAA describes the Project as:

> Subdivide land and develop **approximately** 4,200 residential dwellings and 4 commercial centres, and upgrade the intersection at Dunns Crossing Road and State Highway 1
>
> [**our emphasis**]

11 The Project, the subject of this Application, is within the scope of the listed project. In particular:

(a) the Application relates to the same West Rolleston location and land identified in the listing application;

(b) the principal activity remains the comprehensive residential subdivision and development of the land;

(c) the Application provides for approximately 4,134 residential allotments, which is broadly consistent with the "approximately" 4,200 residential units described in Schedule 2 of the FTAA;

(d) the Application continues to provide for the commercial component of the listed project;

(e) the Application continues to provide for associated roads, reserves, open space, three-waters infrastructure and other supporting infrastructure; and

(f) the Application does not seek approval for any land or activity outside the scope of the listed project.

12 The principal differences between the listed project and the Project for which approvals are now sought are that:

(a) the separately consented Westhaven Stage 1 development is excluded from the Application;

(b) the Application provides for three commercial centres rather than four, with the fourth commercial area forming part of the separately consented Westhaven Stage 1; and

(c) the upgrade of the State Highway 1 and Dunns Crossing Road intersection has already been completed and does not require approval through the Application.

13 Further context for those refinements is provided below. None expands the Project beyond the scope of the project described in Schedule 2.

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[3] Available here: https://environment.govt.nz/acts-and-regulations/acts/fast-track-approvals/fast-track-projects/rolleston-west-residential-development/

Exclusion of Westhaven Stage 1

14 The geographic area identified in the listing application included land that now forms the separately consented Westhaven Stage 1 development. Since the listing application was prepared, the necessary resource consents have been obtained for Westhaven Stage 1 and construction is underway.

15 Westhaven Stage 1 has therefore been excluded from the approvals sought through this Application. No approval is sought under the FTAA for the subdivision, land-use activities or development works already authorised by the existing Westhaven Stage 1 resource consents. However, for the avoidance of any doubt, Westhaven Stage 1 forms part of the existing and reasonably foreseeable environment within which the Project will be undertaken and has been taken into account in the relevant assessments of environmental effects.

Housing Yield

16 The exclusion of Westhaven Stage 1 reduces the geographic area for which approvals are sought. It does not introduce any land, activity or approval beyond the project described in Schedule 2. Carter Group does not intend and does not need to lodge a separate substantive application under the FTAA for Westhaven Stage 1, because resource consents for those activities have already been obtained.

17 In addition, the exclusion of Westhaven Stage 1 does not materially reduce the overall residential scale of the Project. The substantive Application provides for approximately 4,134 residential allotments, compared with the "approximately 4,200 residential dwellings" identified in the Schedule 2 description.

18 In *Jones v Environmental Protection Authority*, the High Court confirmed that the description of a project in Schedule 2 sets the outer limit of a listed project, but does not set an equivalent inner limit requiring a substantive application to be identical in scope to the listed description.[4] In that case, the Court held that an application may be made for a project of reduced scope, provided it relates solely to activities within the scope of the listed project.

19 In particular, the Court observed at [38] that it could not have been intended that, where a housing project was described in Schedule 2 as providing 1,000 houses, an application for 999 houses would fail to comply. It also distinguished an application of reduced scope from a proposal to make separate substantive applications for different stages of the same listed project.[5]

20 A change from "approximately 4,200 residential dwellings" to approximately 4,134 is not a material reduction in scope.

Commercial Areas

21 The indicative site plans submitted with the listing application identified four commercial areas with a combined land area of approximately 77,398 m². The substantive Application provides for three commercial areas with a combined land area of approximately 74,081 m². The fourth commercial area forms part of the separately consented Westhaven Stage 1 development, which provides for up to approximately 9,090 m^2 of land for commercial development. Accordingly, while the substantive Application provides for three rather than four commercial areas, this reflects the exclusion of Westhaven Stage 1 from the approvals now sought. The overall

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4 *Jones v Environmental Protection Authority* [2026] NZHC 1872 at [33]–[40].

5 *Jones v Environmental Protection Authority* [2026] NZHC 1872 at [38]-[40].

commercial land area proposed through the substantive Application remains closely aligned with that identified at the listing stage.

State Highway 1 and Dunns Crossing Road Intersection

22 The Schedule 2 description also refers to upgrading the intersection of State Highway 1 and Dunns Crossing Road. At the time the listing application was made, the intersection upgrade was planned and Carter Group proposed to facilitate it through the provision of the land required at the northeastern corner of the wider Project area. The intersection upgrade has since been completed. Accordingly, no approval or further works associated with that upgrade are sought through this Application.

Summary

23 The High Court's decision in *Jones* confirms that the Schedule 2 description sets the outer limit of a listed project but does not require the substantive application to be identical to that description. An application may be made in respect of a project of reduced scope, provided it relates solely to activities falling within that outer limit.

24 The differences identified above are all reductions in, or refinements to, the listed project:

(a) Westhaven Stage 1 is already consented and is excluded from the approvals sought;

(b) the commercial area within Westhaven Stage 1 accounts for the reduction from four commercial centres to three; and

(c) the State Highway 1 and Dunns Crossing Road intersection upgrade has already been completed and no longer requires approval or facilitation through the Project.

25 The Application otherwise remains consistent with the location, nature and scale of the listed project. In particular:

(a) it provides for approximately 4,134 residential allotments, compared with the "approximately 4,200 residential dwellings" described in Schedule 2; and

(b) it provides for three commercial areas with a combined land area of approximately 74,081 m², compared with the four commercial areas comprising approximately 77,398 m² identified in the indicative site plans submitted with the listing application. The fourth commercial area forms part of the separately consented Westhaven Stage 1 development.

26 The Application therefore relates solely to the Rolleston West Residential Development and remains within the outer limits of the project described in Schedule 2.

THE PLANNING ACT 2026 AND OUT OF SCOPE EFFECTS

27 The Application is being lodged shortly after amendments to the RMA and FTAA made by the Planning Act 2026 (**Planning Act**) came into force. Those amendments are relevant to the Application because they change the effects that may be considered in determining the district land-use approvals sought, including in relation to retail distribution, demand for the Project, and views from private property. Some of the technical assessments supporting the Application were prepared before those amendments came into force and therefore address matters that are now required to be disregarded. The position is addressed below for completeness.

28 The Planning Act received Royal Assent on 30 September 2026. Sections 2(2)(a) and (b) provide that the amendments to the RMA and FTAA contained in Parts 2 and 3 of Schedule 12 came into force one month after Royal assent, on 30 October 2026.

29 The amendments to the FTAA made by Part 3 of Schedule 12 to the Planning Act provide that:

(a) under new clause 5(4A) of Schedule 5 to the FTAA, an assessment accompanying an application for an RMA district land use consent need not address effects that must be disregarded under section 104(1A) of the RMA; and

(b) under clause 12(1)(b) of Schedule 5 to the FTAA, the information provided for the Panel's assessment need not cover those effects.

30 The corresponding amendments to the RMA inserted section 104(1A),[6] which requires the decision-maker, when considering an application for a district land-use consent, to disregard the effects specified in that subsection. Of particular relevance to this Application, those effects include:

(a) effects on retail distribution; and

(b) views from private property.

31 As some of the technical assessments supporting the Application were substantially prepared before the amendments came into force, they contain information relating to effects that must now be disregarded. In particular:

(a) the Landscape and Visual Impact Assessment (**LIVIA**) (Appendix 20) contains information about views from private property;[7] and

(b) the Economic Assessment (Appendix 2) contains information about retail distribution effects and other matters potentially affected by the amendments.

32 The inclusion of that information does not affect the completeness of the Application. Clause 7(3) of Schedule 4 to the RMA and 5(4A) and clause 12(1)(b) of Schedule 5 to the FTAA provide that the relevant assessments **need not** address the excluded effects. Those provisions do not preclude an applicant from providing information beyond what is required, including information relating to those effects.

SUMMARY

33 In summary, it is the Applicant's position that:

(a) the Application relates solely to the Rolleston West Residential Development listed in Schedule 2 of the FTAA;

(b) the proposed activities and approvals remain within the outer scope of the listed project;

(c) the exclusion of the separately consented Westhaven Stage 1 development represents a permissible reduction in scope and does not expand or materially alter the nature of the listed project; and

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6 Planning Act 2026, sch12, pt 2.

7 For completeness, it is noted that LIVIA concludes that the landscape and visual effects that remain relevant are the same as, or less than, the effects identified when views from private property are included

(d) the Application is complete and within scope for the purposes of section 46 of the FTAA.

34 The Applicant and its technical experts remain available to assist the EPA in relation to any aspect of the Application.

Yours faithfully
Anderson Lloyd

Jo Appleyard
Partner
d [redacted]
m [redacted]
e [redacted]

Meg Davidson
Solicitor
d [redacted]
m [redacted]
e [redacted]

ATTACHMENT 1: ASSESSMENT OF THE APPLICATION AGAINST SECTIONS 43 & 44 OF THE FAST-TRACK APPROVALS ACT 2024

1 The Substantive Application (**Application**) for the Rolleston West Residential Development (**Project**) complies with the requirements of ss 43 and s 44 of the Fast-track Approvals Act 2024 (**FTAA**). Specifically, the Application complies with 43(1) because it:

(a) is lodged in the form and manner approved by the Environmental Protection Authority (s 43(1)(a));

(b) explains why the Project is consistent with the purpose of the FTAA to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits". The significant regional and national benefits of the Project are detailed in the Assessment of Environment Effects (**AEE**) and in **Appendix 2** (Economics Report) to the AEE (s 43(1)(b)(i));

(c) does not involve any ineligible activities as defined in s 5 of the Act (s 43(1)(c));

(d) is not lodged by more than 1 authorised person (s 43(1)(d));

(e) is not subject to any information requirements specified by the Minister under s 27(3)(b)(ii) (s 43(1)(e));

(f) has not been subject to an application for determination under ss 23 or 24 (s 43(1)(f));

(g) does not seek an approval for an activity that is the subject of a determination under s 33 (s 43(1)(g));

(h) does not relate to a priority project (s 43(1)(h));

(i) as a listed project, is not subject to a deadline specified in a notice under s 38(3)(d) (s 43(1)(i));

(j) all fees, charges, or levies payable under regulations in respect of the application will be paid by the applicant (s 43(1)(j))

2 If the application is a listed project, it must also contain the information set out in s 43(2) which provides that it must also contain the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)), which applies—

(a) as if the reference in section 13(4)(k) to section 11(a) were a reference to section 29;

(b) as if the reference in section 13(4)(ka) to section 11(1)(b) were a reference to section 29; and

(c) as if the reference in clause 2 of Schedule 11 to section 12(2) were a reference to section 29; and

(d) with any other necessary modifications.

3 The Application complies with section 43(2)(a) because:

(a) it contains a description of the Project and the activities it involves (s 13(4)(a));

(b) it does not involve any ineligible activities as defined by s 5 (s 13(4)(c));

(c) it contains a description and maps of the whole project area that identifies the boundaries in sufficient detail to enable consideration of the Application (s 13(4)(d));

(d) it describes the anticipated commencement and completion dates for construction activities (s 13(4)(e));

(e) it outlines the nature and timing of proposed stages for development (s 13(4)(f)(i));

(f) it describes the anticipated and known adverse effects of the project on the environment (s 13(4)(h));

(g) there are no activities involved in the project that are prohibited under the Resource Management Act 1991 (s 13(4)(i));

(h) it includes a list of the persons and groups the applicant likely considers affected by the project (s 13(4)(j)), including:

(A) the relevant local authorities, being Selwyn District Council and Canterbury Regional Council (s 13(4)(j)(i)); and

(B) the relevant iwi authorities, hapū, and Treaty settlement entities, being Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga (s 13(4)(j)(ii)-(iv));

(C) there are no protected customary rights groups and customary marine title groups (s 13(4)(j)(v));

(D) the project area is not within or adjacent to, or would not directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (s 13(4)(j)(vi));

(E) the Marine and Coastal Area (Takutai Moana) Act 2011 is not relevant (s 13(4)(j)(vii)); and

(F) the Application does not involve persons with a registered interest in land that may need to be acquired under the Public Works Act 1981 (s 13(4)(j)(viii));

(i) it includes a summary of the consultation undertaken for the purposes of s 29 and how the consultation has informed the Project (s 13(4)(k));

(j) the Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement for the purposes of s 13(4)(l). The relevant principles and provisions of that settlement are not understood to apply to the Project area (s 13(4)(l));

(k) no processes have been undertaken under the Public Works Act 1981 in relation to the Project (s 13(4)(m));

(l) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is not relevant to the Application (s 13(4)(n));

(m) it does not include parcels of Māori land, marae, and identified wāhi tapu within the project area (s 13(4)(o));

(n) the applicant is not seeking a determination under s 23 of the FTAA (s 13(4)(p));

(o) the Applicant is not seeking a determination under s 24(2) of the FTAA (s 13(4)(q));

(p) the Applicant is not seeking a determination under s 24(4) of the FTAA (s 13(4)(r));

(q) it contains a description of the Applicant's legal interest in the land and contains a statement of how that affects the applicant's ability to undertake the work (s 13(4)(s));

(r) the only other approval required to authorise the Project, which cannot be obtained under the FTAA, is approval from Selwyn District Council under the Selwyn District Council Water Race Bylaw 2008 for the proposed closure of part of the Paparua Water Race (s 13(4)(t));

(s) resource consents have been obtained for Westhaven Stage 1 and construction is underway. No approvals for Westhaven Stage 1 are sought as part of this Application. In respect of the activities for which approvals are sought, no activities involved in the Project, or substantially the same as those involved in the Project, have been the subject of an application or decision under a specified Act (s 13(4)(u));

(t) it contains a description of whether and how the projects will be affected by climate change and natural hazards (s 13(4)(v));

(u) is not lodged by more than one authorised person (s 13(4)(w));

(v) no compliance or enforcement actions have been taken against the Applicant under a specified Act (s 13(4)(x));

(w) it includes the information specified in (s 13(4)(y)) including in:

(i) Clause 2 of Schedule 5 (resource consent information requirements) (s 13(4)(y)(i)), including:

(A) An assessment against:

(1) any relevant national policy statements;

(2) any relevant national environmental standards; and

(3) the New Zealand Coastal Policy Statement is not relevant; and

(B) Canterbury Regional Council have confirmed that there are no existing resource consents of the kind referred to in section 30(3)(a);

(ii) Clause 4A of Schedule 5 (standard freshwater fisheries activity information requirements) (section 14(4)(y)(vi)) information relating to:

(A) whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which the proposed structure may impede fish passage; and

(B) whether any fish salvage activities are proposed.

4 The Application complies with section 42(2)(b) because it:

(a) outlines the nature and timing of the staging proposed;

(b) does not require separate substantive applications to be lodged for any of the stages; and

(c) accordingly, does not need to provide an explanation of how each stage meets the criteria in section 22.

5 In terms of section 43(2)(c), the explanation of how the substantive application is within the scope of the listed project is provided in the body of this letter.

6 The Application complies with section 44 of the FTAA, as the information described above has been provided in sufficient detail to satisfy the purposes for which it is required.