
Under	the Fast-track Approvals Act 2024
In the matter of	the substantive application for the Ōhoka Residential Subdivision project
Between	Carter Group Limited
	Applicant

**MEMORANDUM OF COUNSEL FOR CARTER GROUP LIMITED IN
ADVANCE OF PANEL CONVENER’S CONFERENCE**

Date: 12 August 2026

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May it please the Panel Convener:

- 1 This memorandum of counsel is filed on behalf of Carter Group Limited (**Carter Group**), the applicant for the Ōhoka Residential Subdivision project (**Project**). It is filed in advance of the Panel Convener's conference set down for 10:00am on Monday 17 August 2026 (**Conference**), and responds to the matters identified in Minute 3 of the Panel Convener dated 7 August 2026 (**Minute**).
- 2 Carter Group understands that the purpose of the Conference is to assist the Panel Convener in making two procedural decisions at this stage of the process:
 - (a) the appointment of panel members (**Panel**); and
 - (b) the appropriate timeframe for release of the Panel's decision.
- 3 This memorandum is informed by the experience now gained by counsel, and Carter Group's planner through involvement in a number of other fast track applications, including one which involved Carter Group as an applicant.
- 4 Given the involvement and experience of Canterbury Regional Council in many of those other applications counsel has also conferred with them regarding outstanding issues and the estimated timeframes.

Overview

- 5 At the outset, it is emphasised that the Ōhoka Residential Subdivision project (**Project**) is not a new proposal. The Project, and the land to which it relates, have already been the subject of extensive scrutiny through earlier planning processes, including:
 - (a) Private Plan Change 31 to the Waimakariri District Plan; and
 - (b) submissions seeking rezoning of the land through the Proposed Waimakariri District Plan (**PDP**) process.¹
- 6 The practical consequence is that the issues arising in relation to the Project are already well understood by Carter Group, the relevant local authorities, and other persons who have participated in those earlier processes.²

¹ As the Convener is aware, the appeal in respect of the PDP process is currently on hold pending the decision on the substantive application for the Project.

² Many of those persons are likely to overlap with those who may now be invited to comment under s 53(2)(h) as the owners of adjacent properties.

- 7 This is not a situation where the Participants are being asked to grapple with an unfamiliar proposal or identify issues from first principles. To the contrary, the Project has already been the subject of a substantial body of technical assessment, expert conferencing and reporting through the earlier processes. The substantive application is supported by a comprehensive suite of technical and expert assessments and proposed conditions.
- 8 Accordingly, Carter Group does not consider that there is any reason for deferring the appointment of the Panel so participants can revisit what the issues might be or try to refine them further.
- 9 The relevant question at this time is not whether the Participants agree with the merits of the Project. It is whether the application is sufficiently advanced for the Panel to be appointed and for the statutory process to proceed with sufficient timeframes allowed for the Panel to make a decision. Carter Group's position is that it is.
- 10 Carter Group considers that the Panel should be appointed to commence on 31 August 2026 as discussed with CRC, and that any further formal engagement with the Participants and particularly WDC should occur under the Panel's direction and/or during the 20 working days that Carter Group and CRC have discussed as being an appropriate time during which expert conferencing, including discussions regarding condition drafting, could occur after Participants and others have commented under ss53-55.
- 11 Other than the small amendment/addition as set out above, Carter Group agrees with the draft timetable provided for in Schedule 2 of *Minute 3 of the Panel Convenor*.

Position of Waimakariri District Council

- 12 Carter Group recognises that Waimakariri District Council (**WDC**) is a relevant local authority for the purposes of the Act, and that its technical input, will be important to the Panel's consideration of the substantive application.
- 13 Carter Group considers that it has engaged constructively with WDC staff, and technical experts. Time for more formal engagement has been built into the estimated timeframes following the appointment of the Panel.
- 14 Carter Group notes that the Project has been the subject of a high level of local political interest, and a number of adverse comments about the merits of the Proposal have been made by WDC Councillors, particularly Mayor Dan Gordon.

- 15 While Carter Group respects the rights of free speech and expression of views by local body politicians and ordinarily would not be concerned by the comments that might have been made by individual Councillors, it is concerned at the position of WDC staff and whether they are able to properly engage on the technical issues and on any draft conditions.
- 16 Carter Group is concerned to ensure that WDC staff are engaging professionally and without delay, and ultimately in a manner that is free from political interference.
- 17 This has not been Carter Group's experience to date and as an example we refer to statements made at a recent public meeting of the Oxford-Ōhoka Community Board on 5 August 2026 (where a recording of the meeting is available on online).
- 18 The recording is lengthy but inter alia Mayor Dan Gordon states that he *"hop[ed] that the Carter's proposal gets turned down"*, but of concern to Carter Group went on to refer to a group of Councillors who have opposed the Project which *"regularly talk with our staff on how we are handling that"* and *"Kelly La Valley and the team are doing a super job to ensure that our interests are looked after and considered. There is a lot of work that goes into that, a lot more than we can probably tell people at times"*.³
- 19 Another speaker who addressed the audience referred to it being *"frustrating from our point of view"* that the Environment Court did not strike out Carter Group's appeal against the rezoning of the Project Site. The same speaker stated that *"the WDC team have had a first meeting with the Panel Convenor about the potential makeup of the Panel and discussed the expertise required across that..."*
- 20 Carter Group is concerned to hear that WDC staff have been involved in direct discussions with Councillors about how to achieve the Councillors' hope of having the proposal turned down.

Responses to paragraph 7 of the Minute

(a) Extent of Engagement by the Applicant

- 21 Carter Group has engaged extensively in relation to the Project with the Participants, both through the two previous planning processes and in preparing the substantive application. That engagement has included

³ Kelly La Valley is a senior WDC staff member with the title "General Manager Planning, Regulation & Environment" to whom a number of other planning staff report.

engagement with the Participants and technical advisors, and in the development of a substantial body of expert material.

- 22 Carter Group has also engaged with Heritage New Zealand Pouhere Taonga and the Department of Conservation during the application. That engagement has assisted in informing the heritage/archaeological and ecological components of the application. Engagement with those entities is ongoing as appropriate.
- 23 To the extent further formal engagement is useful, Carter Group repeats paragraphs 10 above and considers that any further formal engagement should occur after 31 August 2026, and under the direction of the Panel and in timeframes allowed by the Panel to avoid the risk of any further delay.

(b) Information gaps

- 24 Carter Group considers that there are no material gaps in the technical reports that would justify any delay to Panel commencement.
- 25 Carter Group has filed extensive expert and consultancy reporting in support of the application, including in relation to planning, urban design, transport, stormwater, wastewater, flooding, ecology, landscape and economics. Much of that material builds on, or responds to, issues that have already been identified through the two earlier planning processes.

(d)(i) Principal issues in contention

- 26 The principal areas of difference between Carter Group and other participants, including WDC, are already well understood through the earlier planning processes.
- 27 Based on those earlier processes, Carter Group expects that the principal issues in contention are likely to include:
 - (a) differing views between the Applicant's and WDC's planning and technical experts regarding the servicing proposals, transport outcomes, and the significance to be attributed to economic and strategic planning considerations; and
 - (b) implementation and design-detail matters, including stormwater management design, monitoring, maintenance and associated consent conditions.
- 28 From a regional perspective, Carter Group understands (based on recent discussions) the issues are likely to include:

- (a) land surface recharge, and further information relating to groundwater and spring-flow monitoring plans;
 - (b) potential downstream hydrological effects of dewatering and groundwater activities, particularly in relation to downstream wetlands;
 - (c) remediation measures required during construction; and
 - (d) potential aquatic ecology effects associated with operational stormwater discharges.
- 29 Carter Group does not presently anticipate any substantive issues arising in relation to the archaeological authority or wildlife approval aspects of the application.

(d)(ii) Issues capable of resolution through conditions

- 30 Carter Group considers that the issues raised can all be addressed directly in evidence or will be resolved through the proposed conditions.
- 31 Carter Group has already filed a proposed set of conditions with the application. It has also filed updated conditions on 5 August 2026 to respond to concerns raised by ECan in relation to dewatering. These conditions have been informed by the engagement described in paragraphs 21-23 above, and by model conditions supplied by WDC and ECAN through pre-application engagement.
- 32 Carter Group considers the current draft of the proposed conditions provides a robust basis for the Panel's consideration. While Carter Group remains open to refinement of those conditions after the Panel is appointed and in particular in response to comments from local authorities, administering agencies, iwi authorities, Treaty settlement entities and other persons invited to comment under ss53-54 it does not consider any further discussion over conditions would be constructive at this time particularly with regard to the WDC conditions. With respect to CRC, it understands that both CRC and Carter Group are agreed to engage in further discussions regarding conditions after the Panel commences, and most likely after comments have been made under ss53-55.

(e) Supplementary reports or updated conditions

- 33 Carter Group does not intend to file new supplementary technical reports or an updated set of conditions before the nominal date of Panel commencement on 31 August 2026. It recently updated some conditions on 5 August 2026 after constructive discussions with CRC.

(f) Complexity of the application

- 34 The Project is a residential subdivision and associated development. It is of scale, but the issues are not unusually complex provided the Panel itself contains members with relevant expertise and/or time is allowed for the Panel to seek input from relevant independent advisors.
- 35 Carter Group considers that the local authority Participants have identified amongst the issues to be resolved the issues associated with flooding/stormwater as being a key issue for the Panel to resolve.
- 36 Otherwise, the approvals sought are conventional resource consents for residential development, associated infrastructure and related activities. The technical issues are familiar, being planning, servicing, transport, flooding/stormwater and effects-management issues. They are not novel.
- 37 Carter Group accepts that the Panel will need sufficient time to consider the application carefully. However, it submits that this can be achieved with an appropriately skilled Panel, and a reasonable timetable consistent with the procedural principles of the FTAA.

(g) Proposed conditions

- 38 Carter Group considers the proposed conditions are an appropriate and workable basis for approval.
- 39 Whilst the principal issues associated with the application may be in contention, Carter Group does not anticipate any significant contention regarding the format, drafting or substance of consent conditions should a Panel be minded to grant the approvals sought. Carter Group anticipates that some parties will seek amendments or additional conditions. That is not unusual and can be managed through the estimated statutory process timeframe which allows time for expert discussion after comments under ss53-55, and for comments on draft conditions.

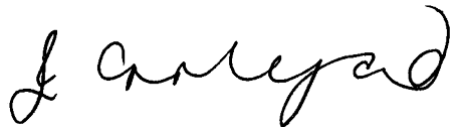
(h) Efficient Process

- 40 Carter Group requests that the application proceed in accordance with the estimated timetable set out in **Appendix 1** to this Memorandum and advises that the estimated timeframes through to the Draft Decision stage have been discussed with CRC who now have considerable experience in expected timeframes through their involvement in many other FTAA application processes.

Conclusion

- 41 Carter Group's position is that this Project is ready to proceed to Panel.
- 42 The Project has already been through extensive planning scrutiny. The issues are known. The areas of disagreement are known. The application is complete and supported by comprehensive technical assessments.
- 43 Carter Group therefore respectfully submits that the Panel Convener should:
- (a) appoint the Panel to commence on **31 August 2026**; and
 - (b) direct the timetable set out in **Appendix 1**.

Dated this 12th day of August 2026



Ben Williams / Jo Appleyard / Meg Davidson
Counsel for Carter Group Limited

APPENDIX 1

Task	Working days	Date
Panel commencement	N/A	31 August 2026
Invite comment from relevant parties	10 W/D later	14 September 2026
Comments close (ss 53 & 54)	20 W/D later	12 October 2026
Comments close for applicants (s 55)	5 W/D later	19 October 2026
Any other procedural steps, evaluation and decision writing	20 W/D	17 November 2026
Draft decision is to approve		
Draft decision and conditions to Ministers (s 72)	5 W/D	24 November 2026

Response from Ministers. (s 72)	10 W/D later	8 December 2026
Applicant response to Ministers comments (if any)	5 W/D later	15 December 2026
Draft conditions and decision to participants (s 70(1))	10 W/D (say) <i>*to occur concurrently with s 72</i>	8 December 2026
Participant comments on draft conditions (s70(2))	10 W/D later	8 December 2026
Applicant response to participants on conditions (s 70(4))	5 W/D later	15 December 2026
If not agreed, procedural step in relation to draft conditions.	5 W/D	20 December 2026
Evaluate and finalise decision	5 W/D later	15 January 2027
Decision release	5 W/D later	22 January 2027