

**BEFORE THE PANEL CONVENER PURSUANT TO THE FAST-TRACK
APPROVALS ACT 2024**

IN THE MATTER

of an application made under the Fast-Track Approvals Act 2024 by RCL Homestead Bay Limited.

**MEMORANDUM OF COUNSEL FOR RCL HOMESTEAD BAY LIMITED IN
RESPONSE TO PANEL CONVENER DIRECTIONS**

8 AUGUST 2025



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INTRODUCTION

1. This case management memorandum is filed on behalf of RCL Homestead Bay Limited (**RCL**) in response to the Panel Convener's directions (**Directions**) dated 31 July 2025.
2. Those directions require RCL to provide a memorandum that considers the matters set out in Schedules 1 and 2 of the Directions. These matters are dealt with below.

Responses to Schedule 2 matters

Schedule 2 – Matters of Consideration	Response
<p>Approvals [1] The number and range of approvals sought.</p>	<ul style="list-style-type: none"> • Subdivision consents. • Land use consents for the construction of future buildings. • Land use consents for the construction and installation of utilities and flood protection works. • Land use consents to undertake earthworks and remove vegetation. • Water permits, discharge permits and land use consents for the take of water, diversion of stormwater and discharge of wastewater. • Land use consents for the installation of culverts/crossings and disturbance of the bed of the ephemeral streams and diversion and defences against water. • Consents for the disturbance of contaminated land. • Approval of the cancellation of three existing consent notices. • A Wildlife Authority for the destruction of lizard habitat and possibly lizards during subdivision works and earthworks.
<p>Complexity [2] The level of complexity will have a bearing on the appropriate frame for decision making and may include: (a) Legal Complexity: novel or difficult legal issues -</p>	<p><u>Legal complexity</u></p> <p>The application seeks resource and wildlife consents. The FTAA is relatively distinct in its requirements and assessments in relation to</p>

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<p>(i) involve untested law or interpretation of statute;</p> <p>(ii) involve application for multiple approvals;</p> <p>(iii) interface with two or more statutes; and</p> <p>(iv) engage constitutional law and public law.</p> <p>(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence -</p> <p>(i) includes challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and</p> <p>(ii) often involve technical or scientific analysis.</p> <p>(c) Factual Complexity: arises from the volume and nature of evidence -</p> <p>(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and</p> <p>(ii) necessitates analysis of technical, scientific, or highly specialised subject matter are involved.</p>	<p>resource and wildlife consents, and therefore no undue legal complexity is anticipated.</p> <p><u>Evidentiary complexity</u></p> <p>The documentation submitted with the application is large in volume but this is commensurate with the scale of the proposal. Furthermore, all documentation is of a nature which will be familiar to Panel members experienced in large scale subdivision proposals.</p> <p>RCL has undertaken and submitted peer reviews of natural hazards and wastewater in order to assist the local authorities and the Panel's certainty of the application.</p> <p><u>Factual complexity</u></p> <p>The wastewater land disposal component of the application is technical in nature, and it is anticipated that this will be a focus of comments from the local authorities and possibly adjoining property owners.</p> <p>As noted above, RCL commissioned peer reviews in relation to wastewater and hazards.</p> <p>RCL has also been liaising with the Otago Regional Council (ORC) who has undertaken a range of peer reviews of the full proposal. The initial peer reviews show that many of the issues raised are minor in nature and are likely to be able to be addressed via changes to the proposed conditions of consent. There are some discrete matters that may benefit from further discussion between RCL and ORC, however none of these appear to be significant issues.</p> <p>The Queenstown Lakes District Council (QLDC) has also not identified to RCL any significant concerns in regards to complexity with regard to the application to date.</p> <p>Jacks Point Residents and Owners Association (the adjoining property owner) own and operate a wastewater treatment and disposal system in proximity to the land treatment areas proposed in this application. They may wish to supply technical information or expert evidence on aspects of the application.</p>

Schedule 2 – Matters of Consideration	Response
	RCL therefore considers that the main factual complexity anticipated will be limited to the wastewater component of the application.
<p>[3] In addition to the matters noted in the Minute, describe:</p> <p>(a) the issues that have arisen during pre-lodgement and post-lodgement consultation and engagement.</p> <p>(b) if the application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this application.</p> <p>(c) any statutory process that coincides with the 30-working day period (if proposed).</p>	<p>There has been significant engagement with the ORC, particularly post-lodgement. This has included a number of meetings, two site visits with subject matter experts, and provision of peer review reports. RCL is continuing to liaise with the ORC and will be in a position to provide additional information and recommend changes to the conditions agreed with the ORC as the Fast Track process continues.</p> <p>There has also been engagement with the QLDC pre- and post-lodgement through meetings, discussions and site visits. QLDC advised that they were not intending to procure any external peer reviews in relation to the application. RCL has however engaged significantly with the QLDC on the draft Southern Corridor Structure Plan consultation process. The draft structure plan was released after RCL had prepared its application, but related meetings have been a useful forum to identify and work through the limited areas of difference between the RCL Fast Track proposal and the QLDC's draft Structure Plan. These discussions continue, most notably in regards to QLDC's preferences in respect of water and wastewater servicing of Homestead Bay, and may lead to recommendations of amendments to conditions agreed with QLDC.</p> <p>The application does not concern an activity the same or similar to one previously lodged.</p> <p>There are no statutory processes that will coincide with the 30 working day process.</p>
<p>Mātauranga and tikanga</p> <p>[5] Iwi authorities and Treaty settlement entities are invited to discuss:</p> <p>(a) advise whether tikanga is relevant to the application, how the panel might receive assistance on those matters, and the time required for this to occur;</p> <p>(b) seek guidance on any requirement to protect sensitive information.</p>	
<p>Panel membership</p> <p>[4] Consider:</p>	RCL considers that the Panel should include members with a suitable level of experience in RMA law and planning as well as someone

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<p>(a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.8;</p> <p>(b) whether there are factors that warrant the appointment of more than four panel members, such as:</p> <ul style="list-style-type: none"> (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation. 	<p>with a high level of understanding or experience in general engineering (hazards, civil, transport).</p> <p>The application is not considered to warrant the appointment of more than three Panel members as, although the application is for a large scale subdivision and associated consents, its considerations are relatively common for such applications.</p>
<p>Procedural requirements</p> <p>[6] Consider and prepare to indicate:</p> <ul style="list-style-type: none"> (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing). (b) the timing of expert conferencing or wānanga; (c) the referral of two or more participants or topics to mediation; (d) the requirement for any form of hearing process including: <ul style="list-style-type: none"> (i) disputed facts or opinions; (ii) proposed conditions; or (iii) legal issues. 	<p>RCL is willing to engage directly with the Panel as necessary and will participate in any scheduled briefings, meetings and conferences that the Panel directs.</p>
<p>Anything else?</p> <p>[7] Is there any other information needed to decide timeframes or panel composition?</p>	

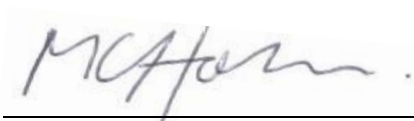
Timeframe for a decision

3. Section 79 provides a default timeframe of 30 working days following receipt of comments under Section 53.
4. As noted above, there is not anticipated to be any significant legal or evidentiary complexity to work through with the application. Factual complexity is considered to be limited to the wastewater land disposal part of the proposal. Although this has already been well covered through pre- and post-lodgement discussions with the local authorities, it is a technical field which may benefit from conferencing of

experts to narrow and resolve any potential issues. Consequently, allowance for an additional 10 working days (beyond the default 30 working day time period) is recommended to allow for this process to be undertaken if necessary.

5. As there are no other anticipated issues or matters of significant complexity, the remainder of the statutory and standard timeframes for the other steps in the decision making process are suitable. An overall timeframe of 40 working days is therefore requested, following receipt of comments under Section 53 of the FTAA.

DATE: 8 August 2025



Mike Holm / Nicole Buxeda

Counsel for RCL Homestead Bay Limited