

BEFORE THE FAST-TRACK PANEL

FTAA-2502-1009

UNDER

The Fast-track Approvals Act 2024

IN THE MATTER OF

An application by CCKV Maitai Dev Co LP for resource consents for the Maitahi Village Project - FTAA-2502-1009

**MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT
REGARDING MINUTES 1 AND 2 OF THE PANEL**

16 MAY 2025

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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is prepared on behalf of the Applicant (**CCKV** or **Applicant**) and addresses several matters arising from (or relevant to) Minutes 1 and 2.¹ The purpose of this Memorandum is to respectfully:
 - 1.1 Seek leave for the Applicant's ecological expert to attend the conference and for two of the Applicant's key representatives to attend the conference;
 - 1.2 Seek deferral of the need to provide structured legal submissions on the Fast-Track Approvals Act 2024, to the extent Minute 1 anticipated this being provided; and
 - 1.3 Seek latitude for Mr Lile to present aspects of the overview information.
- 2 From the outset, due to sudden and unforeseen circumstances, Ms King is no longer lead counsel for this application. Senior counsel for CCKV is now Alanya Limmer KC. The solicitor on record is Sam Chidgey of Tavendale and Partners.²

Application for leave for CCKV's ecological expert to attend

- 3 In accordance with Minute 1,³ CCKV applies for leave for its independent expert ecologist, Dr Ben Robertson, to attend the conference if Dr Robertson is available that day. To explain further, Dr Robertson is currently scheduled to be on a site-visit for a different (and unrelated) matter that day. However, Counsel is advised the weather is looking dubious and Dr Robertson might therefore be available.
- 4 Given the criticality of ecological issues to the proposal, the Applicant perceives considerable benefit in having Dr Robertson attend, if he can be there. However, the efficiency demands of the Fast-Track process are acknowledged and the Applicant does not seek an adjournment to accommodate Dr Robertson's potential unavailability.

Application for leave for key CCKV representatives to attend

- 5 The Applicant requests the Panel invite two additional people to the conference:
 - 5.1 Director of CCKV - Mr Andrew Spittal; and
 - 5.2 CCKV's Project Manager - Mr Neil Donaldson.
- 6 Mr Spittal and Mr Donaldson have an in-depth knowledge of the proposal, having been involved with it since 2019.⁴ CCKV anticipates the role of both Mr Donaldson and Mr Spittal would be limited to observing and answering any questions they have direct knowledge of.

¹ Issued 12 and 13 May 2025.

² EPA administration will be provided with updated details of the Applicant's legal representatives.

³ Paragraph [13].

⁴ Including their involvement in Plan Change 28.

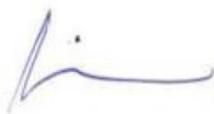
Legal Tests and Contentious Legal Issues

- 7 Paragraph 8(e) of Minute 1 records that one purpose of the conference is to familiarise the Panel with (amongst other things) the “*Relevant legal tests and legal issues in contention*”. To the extent this is directed toward any legal contest or disagreement between the Applicant and Nelson City Council, the Council has advised there are none.
- 8 To the extent the Panel is seeking structured legal submissions from CCKV’s counsel as to the application of the FTAA to the proposal, the Applicant respectfully seeks more time to address this. The reasons for this request are principally:
- 8.1 CCKV has recently, suddenly and unexpectedly had to find and appoint new senior legal representation. The new lead Counsel has not interacted with the proposal before now;
- 8.2 The Fast-Track Approvals Act is new and comprises a markedly different approvals regime from that contained in the (much) more familiar Resource Management Act 1991. More time for thoughtful preparation would be useful; and
- 8.3 Counsel anticipates the conference might provide an ideal opportunity for the Panel and Counsel to discuss and clarify what legal input would be helpful and the timing of its delivery, following a discussion on the other matters at paragraph 8 of Minute 1.

Presentation of the overview information

- 9 With reference to paragraph 13 of Minute 1, the Applicant’s planning consultant (Mr Mark Lile) has been involved with this project since 2019.⁵ In the circumstances, the Applicant respectfully requests latitude to have Mr Lile present some of the overview, rather than just answer questions.⁶ While Counsel will do their very best to be deeply familiar with the application by the time of the conference, Mr Lile already is - and is likely best placed to address many of the matters set out at paragraph 8 in any event.

Dated this 16th day of May 2025



Alanya Limmer KC | Sam Chidgey
Counsel for CCKV Maitai Dev Co LP

⁵ Including his involvement in Plan Change 28.

⁶ Minute 1 at paragraph [13].