

BEFORE AN EXPERT PANEL

FTA-2506-1083

UNDER the Fast Track Approvals Act 2024 (“**the FTAA**”)
IN THE MATTER of an application by CDL Land NZ Limited for approvals under
the FTAA for a listed project, Arataki

**MEMORANDUM OF COUNSEL FOR THE APPLICANT IN RESPONSE TO MINUTE 7 OF
THE PANEL REQUESTING COMMENTS ON THE CONDITIONS**

9 FEBRUARY 2026

**ELLIS GOULD
LAWYERS
AUCKLAND**

**REF: Douglas Allan [REDACTED]
Alex Devine [REDACTED]**

**Level 31 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172
PO Box 1509, DX CP22003
AUCKLAND**

MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum is filed on behalf of CDL Land NZ Limited (“**CDL**”), the applicant for Arataki Project (“**Project**”) in response to the Panel’s request in Minute 7 (“**the Minute**”) for CDL to provide comments on the draft conditions of consent.

CDL Comments on Conditions

2. CDL has reviewed the draft decision and draft conditions of consent.
3. An amended set of proposed conditions is lodged with this memorandum. These conditions:
 - (a) Incorporate changes required by the Panel. Where relevant CDL’s support for these changes is noted; and
 - (b) Identify additional amendments proposed by CDL. Where changes are sought, brief comments are included to explain the rationale for or provenance of the changes.
4. Most of the changes sought by CDL are minor and correct version or lot references and typographical or formatting errors. Several relatively minor changes are sought (e.g.: to enable minor variations to the JOAL landscaping with council approval (condition 60), and to restrict habitable buildings, rather than all buildings, from being located within the buffer area, to better align with the intent of the control addressing interface issues (conditions 65C and 65D)).
5. The most substantive change sought is to newly proposed Condition 49A. This condition is addressed at paragraphs 113 – 119 of the Draft Decision and would require CDL to seal the relevant section of the Shaggy Range Driveway with agreement of Shaggy Range.
6. CDL does not oppose the imposition of such a condition, but proposes alternative wording so as to provide greater clarity and certainty around when the obligation is triggered, what works are required, and the timing of delivery.

The amended wording confirms that sealing is only required where the neighbour proactively requests and authorises the works in writing, limits the scope to the existing driveway width and alignment to avoid unintended upgrading, specifies an appropriate sealed finish for a rural residential driveway, and ties implementation to Stage 4 (s224(c)) to ensure practical and enforceable delivery. For those reasons, CDL requests that its proposed wording is adopted in the final set of conditions issued by the Panel.

Attachments

7. The following documents are attached to this memorandum:
 - (a) An amended set of proposed conditions incorporating changes required by the Panel and additional amendments proposed by CDL. The conditions also include brief comments explaining the rationale for or provenance of changes. The recommended changes to conditions supported by CDL are noted.
 - (b) An updated and final Schedule 1, being the List of Application Reports and Drawings.

DATED this 9th day of February 2026



Douglas Allan / Alex Devine – Counsel for CDL Land NZ Limited