

Before the Fast-track Panel Convener

FTAA-2606-1246

Under the Fast-track Approvals Act 2024 (**FTAA**)

And

In the Matter of an application to rehabilitate an existing quarry and undertake the staged creation of approximately 1,000 residential lots of varying densities, together with a local commercial centre, a potential primary school site, and reserve areas by Fulton Hogan Land Development Limited – Parkburn

**Memorandum of Counsel on behalf of Fulton Hogan Land Development Limited
Responding to Minute 1 of the Panel Convener**

Dated 7 October 2026

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Barrister

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Email:

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May it please the Panel Convener:

Introduction

1. This memorandum is presented on behalf of the Applicant, Fulton Hogan Land Development Limited (**FHLD**). It responds to Minute 2 of the Panel Convener dated 17 September 2026.
2. Minute 2 identifies matters to be considered at a Convener's Conference to be held on 12 October 2026. The information sought is set out in that Minute.

Confirmation of Attendees

3. The following attendees will be present at the Convenor Conference on behalf of FHLD:
 - a. Greg Dewe (FHLD Representative);
 - b. Shannon Darroch (Legal Counsel – Jeremy Brabant Barrister); and
 - c. Melanie Foote (Planning – Town Planning Group).

Approvals Sought

4. FHLD is seeking the following approvals (together, **Approvals**):
 - a. Resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**);
 - b. Concessions that would otherwise be applied for under the Conservation Act 1987 (**Conservation Act**); and
 - c. Wildlife permits that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**).

Engagement

Pre-lodgement

5. FHLD has engaged with relevant administering authorities and Iwi prior to lodgement and has continued to do so since lodgement.
6. The approach to and extent of the pre-lodgement engagement undertaken by FHLD is set out in Section 8 and Attachment J¹ of the Substantive Application. This details consultation undertaken, peer reviews of draft expert reports and site visits. Pre-lodgement consultation has been undertaken with the following parties:
 - a. Otago Regional Council (**ORC**);
 - b. Central Otago District Council (**CODC**);
 - c. Department of Conservation (**DOC**);
 - d. New Zealand Transport Agency (**NZTA**);
 - e. Papatipu Rūnanga of Te Rūnanga o Ngāi Tahu (**Kā Rūnaka**);²
 - f. Adjacent owners and occupiers of the site.

Post-lodgement

7. FHLD has been committed to ongoing consultation with an overarching objective to resolve outstanding issues and information gaps prior to the Expert Panel commencement. Since submission of the Substantive Application on 4 August 2026, FHLD has worked to respond to matters raised as part of the request for further information received prior to the application being referred.³ Additionally, CODC and ORC undertook peer reviews of draft reports (prior to submission) and then continued with further peer reviews of

¹ Substantive Application, page 57 and Attachment J, dated 31 August 2026

² Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, collectively referred to as '**Kā Rūnaka**'.

³ Margot Meuleman, Letter to Melanie Foote, "*Request for further information in relation to your application under the Fast-track Approvals Act 2024*", dated 19 August 2026

final reports submitted with the substantive application. FHLD has continued to address matters raised as part of the peer reviews as these have been received from the administering agencies. There have also been a series of meetings held with CODC, ORC and DOC since the lodgement of the substantive application.

8. FHLD has addressed key matters raised in peer reviews post lodgement by providing further detail to the submitted material and have provided the same to the relevant administering authorities as follows:

a. Updated Plans have been prepared in response to matters raised.

b. Transportation Matters:

i. FHLD has received peer reviews from CODC in relation to transportation matters and has provided the following in response:

1. Letter responding to Council Queries and Discussions, Carriageway Consulting, dated 2 10.2026.

c. Landscape and Urban Design Matters:

i. FHLD has received peer reviews from CODC in relation to landscape and urban design matters and has provided the following in response:

1. Revised *Landscape Assessment Report* dated 30.09.26 in response to peer review.

2. Revised *Landscape Concept* dated 30.09.26 in response to peer review.

3. Revised *Crown Land Esplanade Concept* dated 30.09.26 in response to peer review.

4. Revised *Landscape Urban Design Memo* dated 30.09.26

d. Noise Matters

- i. FHLD has received a peer review from CODC in relation to noise matters and has provided the following in response:

1. Revised *Noise Assessment* dated 1.10.26 in response to peer review.

e. Contamination Matters

- i. FHLD has received peer reviews from both CODC and ORC in relation to contamination matters and the following has been provided in a joint response:

1. Revised *Contamination Issues Response Memo* dated 25.09.26 in response to the peer reviews.
2. Revised *Preliminary Site Investigation and Detailed Site Investigation* dated 24.9.26 in response to the peer reviews.
3. Revised *Remediation Action Plan* dated 28.9.26

f. Freshwater Ecology Matters

- i. FHLD has received a freshwater ecology peer review from ORC and the following has been provided in response:

1. Revised *Ecological Impact Assessment* dated October 2026.

g. Terrestrial Ecology Matters

- i. FHLD has received a terrestrial ecology peer review from CODC and the following has been provided in response:

1. *Memo: Parkburn Fastrack Ecology – CODC Review*, dated 8.08.26.

h. Hydrology Matters

- i. FHLD has received hydrology peer reviews from ORC and the following has been provided in response:

1. *Memo to address ORC Hydrology Review of the updated report for the Substantive Application, dated 24.09.26.*

i. Economic Matters

- i. FHLD has received an economic peer review from CODC and the following has been provided in response:

1. *Insight Economics Parkburn Completeness Check Response, dated 25.8.26.*

j. Environmental Management Plan (**EMP**)

- i. FHLD has received a peer review of the EMP from ORC and the following has been provided in response:

1. *EMP Final Draft – Revision B, dated 29.09.26.*
2. *Memo: Response to Stantec Technical Review of Environmental Management Plan, dated 2.10.26.*

k. Wastewater/Water

- i. Clarification around calculations has been provided within an updated letter from the Fluent Solutions Letter dated 2.10.2026.⁴

9. FHLD continues to work on the debris-flow risk matter. Further assessment has been sought by CODC. Although FHLD are of the view that the assessment

⁴ Fluent Solutions, Letter to FHLD: *Parkburn Development – Water Supply and Wastewater Flow Estimates and Other Associated Works- Revision 1, dated 2 October 2026*

already provided is sufficient additional material will be provided in the near future (by 16 October).

10. FHLD will make all documents and updated reports provided in response to peer reviews available to the Expert Panel. FHLD is currently updating the Substantive Application Planning Report and intends to submit an updated Planning Report along with the updated reports by 5.00pm 30 October. The updated documents will be provided as both a clean copy and a track changed version.

Proposed Conditions and Management Plans

11. A complete suite of conditions for the Approvals sought was submitted with the Substantive Application.⁵ Draft management plans have also been provided, in line with the Panel Convenor's guidance note.⁶ It is noted that the suite of conditions are currently being updated to respond to the peer reviews and updated technical reports submitted to ORC and CODC. An updated set of draft conditions is to be provided to CODC and ORC by 9 October. Draft conditions workshops are scheduled with ORC for 15 October and with CODC on 20 October. This timing will enable an updated set of conditions to be provided as part of the material to be submitted by 30 October.
12. The draft management plans are all incorporated as part of the Construction Environmental Management Plan and have been updated to address the peer reviews and issues raised as part of the completeness check.⁷

Iwi Consultation

13. As set out in the CIA there has been a good level of engagement between the applicant and mana whenua being Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnaka o Ōtākou, and Hokonui Rūnanga (collectively

⁶ Panel Convener Practice and Procedure Guidance, section 21.1

⁷ Margot Meuleman, Letter to Melanie Foote, "Request for further information in relation to your application under the Fast-track Approvals Act 2024", dated 19 August 2026.

referred to as 'Kā Rūnaka'). This engagement has continued since lodgement and has been constructive.

14. Matters have advanced to the point where the applicant has incorporated three proposed conditions (provided by Kā Rūnaka) into an updated suite of conditions which secure mana whenua involvement with the Management Plans required under other conditions, Landscape Design and Cultural Narrative for the site, and Cultural Monitoring and Health Assessments which includes water quality amongst other things.
15. A further in-person meeting between FHLD and the Kā Rūnaka representative is scheduled for 7 October and Kā Rūnaka will be invited to attend the draft condition workshops outlined above.

16. **Principal Issues in Contention**

17. FHLD considers that the principal issues currently outstanding are as follows:
 - i. Some proposed roads have a width of 15m which while compliant with the relevant NZ Standard NZS4404:2010 do not comply with CODC's recently released for consultation proposed engineering standards. A traffic assessment has been provided to address this issue and FHLD are awaiting a response from CODC as to whether this issue is resolved.
 - ii. An additional debris-flow risk assessment has been sought by CODC. FHLD are of the view that the assessment already provided sufficiently addresses this potential issue and concludes that there is no impact to the subject site. That said FHLD will provide an additional assessment which has considered the issue over a much wider area including the adjacent HWR property which sits between the subject site and SH6 through which the Park Burn flows. This additional material which is consistent with the conclusion already reached that this is a non-issue will be provided to the CODC by 16 October.

18. The updated technical reports (other than the additional material on the debris-flow matter just discussed) were all submitted to ORC and CODC by 5 October 2026 in response to the issues raised⁸ and as part of peer reviews and post lodgement discussions with CODC and ORC. FHLD notes until a further response is received from ORC and CODC on each matter that any other remaining issues in contention cannot be confirmed, although any issues are expected to be narrow given the progress made.

Complexity

19. I address matters contributing to the level of complexity:
- a. Legal Complexity:
 - i. The matter does not involve novel or difficult legal issues.
 - b. Evidentiary Complexity:
 - i. There is a significant volume of expert reports/evidence given the size of the application.
 - ii. In all other respects the evidence addresses common matters arising in the context of land development and subdivision, and no special or unusual technical complexity is anticipated.
 - c. Factual Complexity:
 - i. As indicated above there is a reasonable volume of expert reports/evidence, but no special or unusual issues are anticipated.

⁸ Margot Meuleman, Letter to Melanie Foote, *“Request for further information in relation to your application under the Fast-track Approvals Act 2024”*, dated 19 August 2026

Timeframe

20. As identified in paragraph 3 of the Minute, the Convener sets a timeframe for the decision having had regard to the scale, nature, and complexity of the approvals sought (among other matters).
21. For reasons addressed later in the Memorandum, I submit:
 - a. FHLD is of the view that an extension to the timeframe for a decision is appropriate.
 - b. FHLD propose that the timeframe for release of a decision is extended from 30 working days after comments are received to 55 working days.
22. FHLD consider this reasonable considering the scale, complexity and approvals sought. I have taken note of decision timeframes of comparable residential development decisions made under the FTAA, where timeframes range from 50 – 65 working days.⁹ 55 working days allows adequate time for the Panel to:
 - a. Read and evaluate this application of this scale, nature and complexity and any comments received;
 - b. Direct and hold expert conferencing and workshopping (if required);
 - c. Draft a decision and conditions; and
 - d. Finalise the decision having considered responses filed pursuant to Sections 70 and 72.

⁹ Minute 2 of the Panel Convener, Arataki, 24 September 2025, at [12] (55 working days), Minute 2 of the Panel Convener, Drury Metropolitan Centre, 10 June 2025, at [7] (50 working days), Minute 2 of the Panel Convener, Milldale – Stages 4C and 10 to 13, 6 June 2025, at [7] (50 working days), Minute regarding appointments and timeframe of the Panel Convener, Rangitooopuni, 21 July 2025, at [7] (50 working days) and Minute of the Panel Convener, Mount Iron Junction Housing Scheme, 29 April 2026 at [16] (65 working days).

23. The relevant dates, assuming a 55 working day timeframe, are calculated on an amended draft Schedule 2 (**attached** to this Memorandum) to assist the Convener.

Changes made or proposed to be made to the application since lodgement

24. Since lodgement the following key changes have been made to the application to respond to the issues raised and peer reviews:
- a. Roading plans: updated roading typology plans have been provided to amend the widths of some roads.
 - b. Draft conditions:
 - i. Three new conditions have been provided by Kā Rūnaka and accepted by the applicant.
 - ii. New conditions are proposed to address additional consents ORC considered were required. FHLD has decided to take a conservative approach and these will form part of the updated application material. These relate to the following:
 - 1. A water take consent for cove dewatering;
 - 2. A Land use consent for the use and erection of jetties and boat ramp structures on the bed of the lake;
 - 3. Water take and use consent to divert the Park Burn during construction; and
 - 4. Land use consent for a bore associated with a dewatering pit.
25. The Substantive Application Planning Report will be updated to account for the updated technical reports and additional consents required from ORC. The updated Substantive Application Planning Report will be provided along with updated draft conditions by 30 October 2026.

Tikanga

In the circumstances of this application FHLD is of the view that it is not necessary for any panel member to have specific mātauranga Māori/ tikanga expertise, noting this view does not indicate any lack of recognition for the importance of these considerations. Rather FHLD considers that the Panel can seek appropriate expert guidance with respect to these matters if it determines that this is appropriate.

Panel membership

26. FHLD is of the view that three panel members will be sufficient. In addition to the Chair, it would be useful for panel members to have planning and civil engineering experience.

Procedural requirements

27. FHLD is willing to engage directly with the Panel as necessary to advance progress of the application. A briefing meeting with the Panel would be of benefit to provide a project overview, including how the application and conditions have been developed.
28. Any mediation is unlikely to be required for any topics subject to receiving comments from invited parties.
29. It seems unlikely that any form of hearing process will be required based on information currently available. That may change based on comments received, or any topics or issues which the Panel raises in due course.

Conclusion

30. FHLD respectfully request referral of the Project to an Expert Panel in accordance with the matters set out above.

A handwritten signature in blue ink, appearing to be 'J. Brabant' or similar, with a stylized, cursive script.

Jeremy Brabant / Shannon Darroch

Counsel for Fulton Hogan Land Development Limited

7 October 202

Participants' Estimated Timeframe

Task	Working days	Date
Step 1. Panel commencement	N/A	6 November 2026 (nominal)
Step 2. Invite comment from relevant parties	10 W/D after Step 1.	20 November 2026
Step 3. Comments close (ss 53 & 54)	20 W/D after Step 2.	18 December 2026
Step 4. Comments close for applicants (s 55)	5 W/D after Step 3.	15 January 2027
Step 5A. Expert conferencing, mediation or other processes to resolve any matters of contention	10 W/D after Step 4.	29 January 2027
Step 5B. Any other procedural steps, evaluation and decision writing	10 W/D after Step 5A.	15 February 2027 (Waitangi Day observed on Monday 8 February)
Draft decision is to approve		

Step 6. Draft decision and conditions to Ministers (s 72)	5 W/D after Step 5B.	22 February 2027
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Step 7. Response from Ministers. (s 72)	10 W/D after Step 6.	8 March 2027
Step 8. Applicant response to Ministers comments (if any)	10 W/D after Step 7.	22 March 2027
Step 9. Draft conditions and decision to participants (s 70(1))	5 W/D after Step 6.	1 March 2027
Step 10. Participant comments on draft conditions (s70(2))	5 W/D after Step 9.	8 March 2027
Step 11. Applicant response to participants on conditions (s 70(4))	5 W/D after Step 10.	15 March 2027
Step 12. If not agreed, procedural step in relation to draft conditions.	5 W/D after Step 11.	22 March 2027

Step 13. Evaluate and finalise decision	5 W/D after Step 12.	31 March 2027 (Good Friday 26 March, Easter Monday 29 March)
Step 14. Decision release	55 W/D later	31 March 2027

Participants' Estimated Timeframe — Gantt Chart



Dates reflect the participants' estimated timeframe in the source table.