

MEMO

To: Jennifer Caldwell (Panel Convenor) and the Expert Panel on the Arataki Project

From: Brandon Baillie (Senior Planner Hawke's Bay Regional Council)

Date: 9 February 2026

Subject: **MINUTE 7 OF THE EXPERT PANEL**
COMMENT ON DRAFT DECISION AND CONDITIONS
ARATAKI [FTAA-2506-1083]

HBRC Ref: APP-131332

This memorandum has been prepared by Hawke's Bay Regional Council (**HBRC**) to assist the Expert Panel for the Fast-Track application being **Arataki, referenced by the EPA as FTAA-2506-1083**].

Minute 7 of the Expert Panel invites comment from HBRC on the draft decisions and conditions of consent. Specifically, the Panel has asked HBRC to:

- 1) *check wording and content of Condition 74 (Chemical Treatment Management Plan) – does the condition need to specify detail of what should be addressed through this Plan?*
- 2) *check and confirm it is comfortable with the framing of the certification wording contained in Conditions 118 and 137 (Detailed Design Plans).*

Comments of draft decision

Regional Planning Committee (RPC)

The Panel outlines the purpose of the RPC in paragraph 69. The Panel concludes that the RPC has “*no role in resource consenting under the RMA, and therefore there are no procedural requirements arising out of this settlement legislation that the Panel must comply with under clause 5, Schedule 3 of the FTAA.12*”. We agree and would not expect applicants for consent to consult with the RPC. The RPC Terms of Reference (section 4)¹ outline the functions of the RPC. The specified functions relate to plan making processes such as reviewing and preparing Regional Plans and Regional Policy Statements, making necessary changes and variations, and overseeing consultation and public notification processes on plans, and do not extend to providing feedback on individual consent applications or projects.

Need for Additional Consent

We agree with the Panel's conclusion in paragraph 210 that an additional consent may be required for the discharge of flocculants (if used), but that this is not material to the decision on

¹ [Feb 2014 council-adopted RPC TOR](#)

the application and can be obtained at a later date if required. We provide further comment on ChTMP below.

Hastings District Council (HDC) District Wide Stormwater Network Consent (AUTH-118324-03)

In paragraph 124 of the draft decision, the Panel discusses the district wide HDC stormwater network discharge consent. As a result of the consent duration extension legislation that was enacted in December 2025, the HDC consent is no longer expired, and the expiry date for that consent is now 31 December 2031.

The application (APP-127409) to replace the HDC consent was lodged with HBRC in February 2022, but processing was paused while further consultation on cultural values and effects was undertaken. The replacement consent application does include the Arataki Project site within the proposed network discharge area, and as identified by the Panel, there is potential for the Arataki Project discharges to fall under that consent in the future (if/when granted) and should that occur, the stormwater discharge consents obtained under this FTAA process will no longer be required.

Comments on conditions

We agree with the Panel's suggestion that all Schedule 1 documents should be compiled and provided to the councils by the applicant. This will greatly assist with our compliance monitoring.

We have had the opportunity to review and comment on the conditions previously, and most of our suggested changes have been adopted by the applicant and are included in the most recent draft.

Comments on specific questions from the panel:

The adequacy of condition 74 in relation the ChTMP.

Condition 74 sits within the section setting conditions for s9 land use consents and references HDC. Condition 74 as drafted states:

Prior to the commencement of any earthworks or construction activity on the site, the Consent Holder must submit to HDC a finalized copy of the ChTMP in general accordance with the approved preliminary CEMP prepared by Woods and referenced in Schedule 1. The ChTMP can be amended to suit the appointed Contractor's methodology subject to approval from HDC's Compliance Monitoring Officer (or nominee).

Schedule 1 refers to the Construction Environmental Management Plan (CEMP), a draft of which has been provided in Appendix D of the Infrastructure Report. The matters to be covered in Chemical Treatment Plan in the draft CEMP are:

- a) Specific design details of the chemical treatment systems based on a rainfall activated methodology for the site's sediment retention ponds, decanting earth bunds or any other approved impoundment devices;
- b) Monitoring, maintenance (including post storm events) and contingency programme (including a record sheet);
- c) Details of optimum dosage (including assumptions);
- d) Results of initial chemical treatment trial;
- e) A spill contingency plan; and
- f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

The matters specified for inclusion in the ChTMP are consistent with previous conditions used by HBRC for chemical treatment/flocculant management plans.

For completeness, we do recommend that the ChTMP requirements be added to condition 140 so that it is provided to HBRC for certification with the ESCP. Condition 140 could be amended as follows:

At least 20 days prior to the commencement of any earthworks or construction activity for the stream works, the Consent Holder must submit to HBRC (Manager Compliance) for certification a finalized copy of the ESCP and ChTMP (if chemical treatment is intended to be used) in general accordance with the approved preliminary ESCP and ChTMP provided in the Infrastructure Report prepared by Woods and referenced in Schedule 1, and taking into account in accordance with the “Hawkes Bay Waterway Guidelines – Erosion and Sediment Control” (April 2009). Alternatively, the ESCP and (where applicable) the ChTMP, may be submitted for certification in stages, based on the staged construction of the project.

The ESCP and ChTMP can be amended to suit the appointed Contractor’s methodology subject to written approval from HBRC’s Manager Compliance (or nominee). Approval must be obtained prior to works commencing under the amended methodology.

We continue to hold the view that it is likely that an additional consent will be required for the discharge of flocculants should they be used because they are to be discharged from the sediment pond to the receiving environment. We agree with the Panel’s comment that this consent could be obtained at a later date if required and that it is not of critical importance for this current process. We recommend an advice note capture this potential requirement as follows:

Advice note: Additional resource consents may be required for the discharge of chemical treatments, where Rule 47 of the RRMP cannot be met. The consent holder should confirm and obtain consent if required prior to the discharge of chemical treatments.

Certification wording contained in Conditions 118 and 137

Condition 118 is in relation to the detailed design plans for the works adjacent to the stream. Condition 137 is for detailed design plans in relation to the stormwater system.

In both cases, it would be useful if the consent holder was required to identify any changes from the preliminary designs submitted with the application documentation. This will aid council in the certification process. An addition to each condition as follows is recommended (i.e. add as 118(e) and 137(h)) :

outline any changes from the report and plans referenced in Schedule 1, including comment on the reasons for the changes and how the plans remain in general accordance with these plans.

The conditions set out a process whereby the required management plan is considered certified after 15 working days, unless HBRC advises otherwise during that period; this approach is consistent with our usual procedures and standard approach to management plan certification.

We note that other consent conditions also involve certification by HBRC, including conditions 120 and 140 for the ESCP, condition 141 for the Spill Management Plan, condition 142 for the water quality monitoring strategy and condition 143 for Stormwater Management and maintenance plan, but these do not include the 15 working day certification requirement. We recommend that a condition is added to generally cover certification by HBRC:

Unless otherwise specified, where a condition requires that a plan or document is to be certified by HBRC, certification shall be obtained from HBRC (Manager Compliance) prior to the works to which they relate being undertaken (noting that works may be undertaken in stages, within stages, or across stages).

The plans shall be considered certified by HBRC unless, within 15 working days of having been supplied with the plans, the HBRC advises that certification is withheld and provides written reasons why certification is withheld.

Authored by:

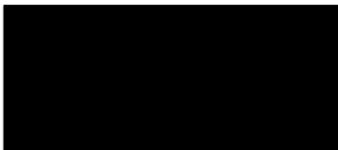
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Signature:

Approved for release by:

Paul Barrett
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Signature: