

MEMO

To: Jennifer Caldwell
From: Brandon Baillie
Date: 24 September 2026
Subject: **BROOKVALE GREEN INFORMATION GAPS**
File Ref: **APP-132256 (HBRC) / FTAA-2607-1266 (FAST-TRACK)**
CC: Paul Barrett

Dear Ms. Caldwell,

Thank you for circulating Minute 2 of the Panel Convener (22 September) in relation to the Convener Conference for the Brookvale Green [FTAA-2607-1266].

Attendees from Hawke's Bay Regional Council (HBRC) will be:

- Paul Barrett (Manager Consents) – [REDACTED]
- Brandon Baillie (Team Leader Consents) – [REDACTED]

Please see below HBRC's comments as requested in relation to matters raised in Minute 2 below.

[5](a) Significant Information gaps

HBRC considers that there are no significant information gaps in relation to the Brookvale Green Project in relation to the matters relevant to HBRC's jurisdiction.

[5](b) Comment on extent of engagement by applicant both before and following lodgement

The applicant has been actively engaging with HBRC and has been forthcoming with information and possible solutions to address areas of concern raised by HBRC. Ongoing discussions between HBRC, HDC and the applicant are expecting to continue in relation to groundwater/source-water matters.

[5](c) Describe complexity of application

The application contains relatively complex groundwater matters whereby disturbances of the ground could create a pathway to groundwater/drinking water and could create a contamination pathway to the nearby registered drinking supply bore. Ensuring all activities associated with the activity are managed to avoid or minimise risk to the aquifer as far as reasonably practicable is essential for ensuring the benefits of the proposal can be appropriately achieved without creating significant adverse impacts.

[5](d) Identify principal environmental effects and principal issues to be in contention

For HBRC, the principal environmental effect is the potential for groundwater and drinking water contamination as a result of the constriction (i.e. earthworks, stream realignment) and operation (i.e. ongoing stormwater discharge, wastewater pump station overflow) of the proposed activities.

Similarly, the principal outstanding issues relate to the extent that the construction and operation activities can be managed to adequately manage the risks to groundwater contamination and to downgradient users of this resource.

[5](e) Propose, or record where agreed, efficient processes to enable panel to understand, resolve or narrow/reduce the scope of any such issue and indicate how these processes may be accounted for in the decision timeframe

HBRC propose to have our internal technical experts review the submitted information to provide updated advice on whether any comments from their previous review memo's have been adequately addressed or whether there are any matters that remain unresolved and could provide this to panel convener/panel. HBRC are also happy to continue to engage directly with the applicant on this before providing an update to the panel.

[5](f) State whether the drafting of proposed conditions for the approvals (including any draft management plans filed) is accepted

Work is ongoing with the applicant and the Hastings District Council (HDC) drinking water supply team in relation to groundwater and source water management conditions. These relate to ensuring final design and construction requirements will be effective and identify whether residual risk remains after controls are implemented, and whether these can be adequately addressed through conditions requiring Groundwater Protection Assessment and final Source Water Protection Plan.

[5](g) Indicate the number of working days following receipt of comments, that the participant considers should be allowed for the panel to make its decision

Given a greater complexity compared to the nearby Arataki Project, we consider that additional time will likely be required compared to the Arataki Project.

[7] Views on skills, knowledge and expertise required for persons to be appointed to the panel

Similar in nature to the Arataki FTAA project, though there is more complexity in this instance given the groundwater/source-water matters and works within and affecting the stream.

[8] Panel nomination

HBRC suggest the same panel member as decided the Arataki FTAA substantive application (Michael Parsonson) and in addition, suggest the expertise of a hydrogeologist (Matt Dodson) may benefit the panel.

[9] Consider range of matters set out in Schedule 1 and come prepared to discuss them

Matters of Schedule 1 to Minute 2 are considered as follows:

Schedule 1 Matter [1] – the number and range of approvals.

The HBRC approvals sought are as follows:

- i. **RRMP Rule 8** - vegetation clearance within 5m of bed of river.
- ii. **RRMP Rule 52** – temporary discharge of contaminants from earthworks and construction activities, including treated water from sediment retention devices.
- iii. **RRMP Rule 59** – diversion and realignment of Stream 1 and reclamation of artificial drainage channels.
- iv. **RRMP Rule 71** – activities within 6m of bed of a stream in flood control scheme area (earthworks, land disturbance, stream reclamation, riparian planting, placement of fill, structures and outfall structures associated with stream corridor).
- v. **RRMP Rule 69** – construction and upgrading of culverts, stream crossings and access structures over or within stream beds.
- vi. **TANK 22** – diversion and discharge of stormwater (not complying with TANK 21(a)(iv) to not cause or contribute to flooding of any other property).
- vii. **RRMP Rule 8 (as amended by TANK)** – vegetation clearance and soil disturbance of riparian margins.
- viii. **NES-F Regulation 54** – vegetation clearance and earthworks within 10 setback of natural inland wetlands, diversion of water and discharge of water into water within 100m of a natural wetland where the wetland(s) hydrology will be modified.
- ix. **NES-F Regulation 57** – reclamation of bed of watercourse 1 associated with its diversion realignment.

We note that the water take/transfer is expected to be applied for separately through standard RMA process.

Schedule 1 Matter [2] Complexity

The applicant has been actively engaging with HBRC and in responding to concerns/issues raised by HBRC. Connection between works on the site and underlying groundwater and possible contamination of groundwater/drinking water remains a key point that the applicant is working through to address the remaining HBRC concerns. These are considered to be relatively complex matters, particularly noting the relevance to the Department of Internal Affairs *Havelock North Drinking Water Inquiry*.

The site is located in an area where there is known to be for a high risk of groundwater contamination – not far from the location of the 2016 Havelock North Drinking Water contamination event. Therefore, a good understanding of groundwater and drinking water risks and if/how these can be managed appropriately is considered necessary for assessing this application.

Schedule 1 Matter [3] Issues

As above, continued discussion between HBRC, the applicant and HDC is on-going in relation to groundwater / source water protection matters.

HBRC have given advice on the transferability of groundwater allocation from the site to enable drinking water servicing via the public drinking water network. We understand that this will be pursued through a separate RMA process.

No other matters have arisen in this time

Schedule 1 Matter [5] Panel Membership

As above, the panel may benefit from the expertise of a groundwater expert given the nature of the site and known risk to groundwater quality.

Schedule 1 Matter [6] Procedural Requirements

HBRC is happy to continue to engage as required with the Panel, or with the applicant through conferencing etc as necessary to assist the process.

At this stage, we don't anticipate the need for a hearing process to resolve disputed facts, conditions or legal issues. Our preference would be to continue with expert conferencing/engagement where required, noting HBRC staff availability limitations under Matter 7 below.

Schedule 1 Matter [7] Anything Else

HBRC staff that have been working on this project have the following leave booked and are unavailable at the following dates:

All staff: 24th Dec to 4th Jan 2027 (unconfirmed)

Groundwater:

- 28th Sep – 2nd Oct
- 5th – 8th Jan 2027
- 11th – 15th Jan 2027
- 18th – 22 Jan

Freshwater Ecology: 23 Oct – 2nd Nov

Engineering: 18th – 29th Jan

Consenting staff:

- 10th Dec – 24th Dec
- 4th & 5th Mar 2027

Authored by:

Brandon Baillie


Approved by:

Paul Barrett



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