
MINUTE 6 OF THE EXPERT PANEL

Minor Corrections
Milldale [FTAA-2503-1038]

(24 October 2025)

[1] Section 89 of the Fast-track Approvals Act 2024 (FTAA) states that an Expert Panel “may, within 20 working days after issuing a decision document under section 88(1), issue an amendment to the document to correct minor omissions, errors, or other defects in it”.

[2] In that regard, it has been brought to the attention of the Environmental Protection Authority that there were minor inconsistencies in the resource consent conditions attached to the decision document for the Milldale project dated 3 October 2025.

- (a) On 9 October 2025, Auckland Council contacted the EPA outlining 43 perceived errors. The majority of these matters stemmed from matters that had been agreed between the Applicant and Council through expert conferencing and recorded in the joint witness statement dated 17 September 2025 (JWS) but were not included in the Applicant's final version of conditions, which identified the remaining outstanding issues between those parties.
- (b) The Applicant provided a memorandum on 17 October 2025 identifying 6 matters it considered were minor errors (each of which had been identified by Auckland Council) and responding to Auckland Council's

request outlining why the remaining matters identified by Auckland Council were not minor errors.

[3] We outline below the matters identified by the parties and our decision in relation to them:

Condition	Identified matter	Panel decision
Stages 10-13 Conditions 6, 7, 8, 9, 10, 12, 19, 41, 59, 63, 64, 65, 66, 68	Council position: Wording for these conditions should be 'for approval' as agreed in the JWS. Applicant position: Used 'for certification' in final conditions, aligning with Panel's draft, and considers both terms effective and enforceable with no correction needed.	While this matter was agreed between Council and Applicant in the JWS, the Panel prefers the phrase "for certification" and therefore does not consider a change is required.
Stages 10-13 Condition 81	Council position: Queried a potential gap in the Panel's reasoning regarding suggested changes to Condition 81, specifically on vesting status (LGA vs Reserves Act) and suitability of drainage lots for public ownership. Applicant position: Disagreed, stating the changes were unnecessary and provided a comprehensive assessment opposing Council's view.	The Panel does not agree that there is a gap in its reasoning, or that changes are required to the drafting of condition 81.
Stages 10-13 Condition 89	Council and Applicant position: Both identified and agreed in the JWS that the trigger for the Site Validation Report should be tied to the s224(c) certificate rather than completion of earthworks, but this was inadvertently omitted from the Applicant's final conditions.	The Panel agrees with the Applicant and Council that this condition should be amended to read: <i>'Prior to s224(c) certificate Within three months of the completion of earthworks on the site, a Site Validation Report (SVR) must be submitted to the Council for certification...'</i>
Stages 10-13 Condition 100/100A	Council and Applicant position: Both identified that a condition for a Hydrology Mitigation Report, which was identified by the Panel as necessary, was omitted from the Panel's conditions in Appendix A.	The Panel agrees with the Applicant and Council that the condition was omitted. The following condition is inserted as condition 100A: <i>Hydrology Mitigation Report</i> <i>100A. Prior to Engineering Approval, the Consent Holder must prepare a Hydrology Mitigation report and submit to Council for review and approval. The Hydrology Mitigation report must include a comparative analysis of Stream 21 flows for a range of rainfall events up to and including 50% AEP. The analysis must compare the proposed 'offset' hydrology mitigation approach with the equivalent complaint hydrology mitigation approach and must demonstrate that any increase in stream peak flow,</i>

Condition	Identified matter	Panel decision
		<p><i>depth and velocity will not increase the risk of stream erosion. Where there is an increase in risk, mitigation measures must be implemented in accordance with condition 101.</i></p> <p><i>Advice Note: 'Offset' hydrology mitigation approach is where the required SMAF volume from a catchment is being accommodated within a device to which this catchment does not drain. Compliant hydrology mitigation approach is where the required SMAF volume from a catchment is being provided within the device that this catchment drains to.</i></p>
Stages 10-13 Condition 108	<p>Council position: Additional wording for the Operation and Maintenance Manual for private stormwater devices was agreed in the JWS but not included in the Panel's final conditions.</p> <p>Applicant position: Stated Council is incorrect, as the agreed condition was included as Condition 85 in the Panel's decision.</p>	The additional wording referenced by Council was already included as Condition 85 in the Panel's decision. No further amendment is required.
Stages 10-13 Condition 110	<p>Applicant position: Identified an unintended consequence in clause (l) where stormwater outfalls in drainage reserves might be prevented, and recommended a correction to allow necessary infrastructure.</p>	The Panel agrees that the condition should be clarified to ensure that necessary stormwater infrastructure can be established in drainage reserves, consistent with the application engineering plans and the intended function of drainage reserves. Condition 110(l) will be amended to address this issue.
Stages 10-13 Condition 119	<p>Council and Applicant position: Both agreed that the maintenance bond period should be three years for consistency, as detailed in the JWS, but this was inadvertently omitted from the final conditions.</p>	The Panel agrees with both the Council and the Applicant that the maintenance bond period should be consistently set at three years, as mutually agreed in the JWS. The condition will be amended to reflect this agreed timeframe.
Stage 4C Phase 1 Conditions 6, 7, 8, 9, 11, 14, 43	<p>Council position: Wording for these conditions should be 'for approval' as agreed in the JWS.</p> <p>Applicant position: Used 'for certification' in final conditions, aligning with Panel's draft, and considers both terms effective and enforceable with no correction needed.</p>	While this matter was agreed between Council and Applicant in the JWS, the Panel prefers the phrase "for certification" and therefore does not consider a change is required.
Stage 4C Phase 1 Condition 8	<p>Council and Applicant position: Both agreed that the phrase 'at least five working days' was agreed in the JWS but was omitted from the condition regarding Erosion and Sediment Control Plans provided to the Panel.</p>	The Panel agrees with both the Council and the Applicant that the phrase 'at least five working days' is important for establishing clear timeframes for review. The condition will be amended to re-insert this agreed wording.
Stage 4C Phase 1 Condition 56	<p>Council position: A new condition and all wording for the Operation and Maintenance Manual for Private Stormwater Devices was agreed in the JWS but not included.</p> <p>Applicant position: Stated Council is incorrect, as the condition was included as Conditions 55 and</p>	The Panel agrees with the Applicant and does not consider there is a minor error.

Condition	Identified matter	Panel decision
	56, with edits made to improve accuracy for private devices.	
Stage 4C Phase 1 Condition 63	Council and Applicant position: Both agreed that the maintenance bond period should be three years for consistency, as detailed in the JWS, but this was inadvertently omitted from the final conditions provided to the Panel.	The Panel agrees with the Council and Applicant that the maintenance bond period should be set at three years for consistency, as was mutually agreed in the JWS. The condition will be amended to specify a three-year maintenance bond period.
Stage 4C Phase 2 Conditions 6, 7, 20	Council position: Wording for these conditions should be 'for approval' as agreed in the JWS. Applicant position: Used 'for certification' in final conditions, aligning with Panel's draft, and considers both terms effective and enforceable with no correction needed.	While this matter was agreed between Council and Applicant in the JWS, the Panel prefers the phrase "for certification" and therefore does not consider a change is required.
Stage 4C Phase 2 Condition 45	Council position: Identified that items (c), (d), and (g) from the agreed list of OMM contents were omitted. Applicant position: The Applicant had proposed further changes to improve the accuracy and integrity of the condition, and no change is necessary.	The Panel agrees with the Applicant that Condition 45 is appropriate. No further change is necessary.
WWTP Conditions 8, 9, 10, 11, 12, 13, 77, 81, 84	Council position: Wording for these conditions should be 'for approval' as agreed in the JWS. Applicant position: Used 'for certification' in final conditions, aligning with Panel's draft, and considers both terms effective and enforceable with no correction needed.	While this matter was agreed between Council and Applicant in the JWS, the Panel prefers the phrase "for certification" and therefore does not consider a change is required.
WWTP Condition 14	Council position: Identified missing words in the lizard management reporting condition detailing captured lizards, locations, and post-release monitoring. Applicant position: Stated Council is incorrect, as the JWS condition does not include this text, and considered it an attempt to introduce additional wording.	The Panel agrees with the Applicant that the additional wording suggested by the Council was not included in the JWS. The Panel considers the Council's proposal to be an attempt to introduce new requirements rather than rectify an omission. Therefore, no change is necessary.

[4] The Panel has considered the requested changes and as outlined above is satisfied that the changes to the following conditions fall within the amendments contemplated by s 89 of the FTAA:

- (a) Stages 10-13 Conditions 89, 100A, 110 and 119; and
- (b) Stage 4C Phase 1 Conditions 8 and 63

[5] An updated set of conditions to address those matters is attached.

A handwritten signature in blue ink, appearing to read "D Minninnick". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Daniel Minninnick
Milldale Expert Panel Chair