

BEFORE THE PANEL CONVENER

IN THE MATTER of an application for
approvals under section 42 of
the Fast-track Approvals Act
2024 (**the Act** or **FTAA**)

AND

IN THE MATTER of Brookvale Green, **FTAA-
2607-1266**, a referred
project under section 21 of
the FTAA

**MEMORANDUM OF COUNSEL ON BEHALF OF VERMONT STREET PARTNERS
NO.4 LIMITED (APPLICANT) IN RESPONSE TO MINUTE 2 OF THE PANEL
CONVENER**

24 September 2026



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MAY IT PLEASE THE PANEL CONVENER

1. This memorandum responds to Minute 2 of the Panel Convener dated 22 September 2026.
2. As identified in the substantive application material, the Brookvale Green Project (**Project**) is a comprehensively planned residential development located on 24ha at 174 and 176 Brookvale Road, Havelock North.
3. The Project provides for 203 residential lots together with associated roading, three waters infrastructure, stormwater management, stream and wetland restoration and landscaping.
4. The Project also includes works within the adjoining Local Purpose (Amenity) Reserve land to facilitate of the creation a proposed road reserve corridor which will be secured by an easement.

Conference attendance

5. The Applicant confirms that the following persons will attend the Convener Conference on 25 September 2026 on its behalf:
 - (a) Edward Sundstrum, Applicant, VSP;
 - (b) Ben Bostock, Applicant, VSP;
 - (c) Chris Timbs, Director (Legal), Berry Simons Environmental Law;
 - (d) David Badham, Partner (Planner), Barker & Associates Ltd; and,
 - (e) Joanne Sunde, Senior Associate (Planner), Barker & Associates Ltd

Timeframe for the decision

6. The Applicant considers that a decision timeframe of 60 working days following receipt of comments would be appropriate having regard to the scale and nature of the Project, the range of approvals sought, and the technical matters addressed in the application.

Approvals

7. The approvals sought are summarised in the substantive application and comprise:

- (a) resource consents under the Resource Management Act 1991 (**RMA**), including land use, subdivision, regional land use, water and discharge approvals;
- (b) approvals under the Reserves Act 1977 for works and an easement within an adjoining Local Purpose (Amenity) Reserve managed by Hastings District Council (**HDC**); and,
- (c) a wildlife approval under the Wildlife Act 1953 relating to indigenous lizards.

Complexity

8. The Applicant's comments on the complexity of the application are:

- (a) Legal complexity:
 - (i) While approvals are sought under three statutory regimes through the FTAA, the Applicant is not presently aware of any particularly difficult legal issues requiring determination.
 - (ii) The Reserves Act approval relates to a defined easement and works permit over the Local Purpose (Amenity) Reserve land and does not raise any separate legal issue of significance. HDC has provided in principle agreement to the Reserves activity.
- (b) Evidentiary complexity:
 - (i) The application is supported by a comprehensive suite of specialist assessments proportionate to the scale and complexity of the Project.
 - (ii) The principal technical matters include groundwater and source water protection, stormwater and flooding, freshwater ecology, transport and infrastructure servicing, landscape character, urban design and rural interface / reverse sensitivity. These matters are common to greenfield land development projects.
 - (iii) Technical drawings and reports were provided to Hastings District Council and Hawkes Bay Regional Council (**HBRC**) prior to lodgement for review and feedback. That feedback

has informed the final proposal, ongoing and further technical assessments and proposed conditions.

- (iv) The Site overlies the Heretaunga Plains aquifer system and sits within the Hastings Source Protection Zone. Assessment of potential effects on the drinking water source requires specialist hydrogeological and engineering input, together with technical input from both HDC and HBRC given their respective responsibilities for municipal water supply and regional groundwater management.

(c) Factual complexity:

- (i) The Project is a straightforward greenfield residential development with associated subdivision, roading, three waters infrastructure, stream and wetland works and landscaping.
- (ii) The application is supported by the usual suite of technical assessments for a development of this nature, and the relevant factual matters have been comprehensively assessed in the substantive application.
- (iii) The proposed water supply pathway involves the separate transfer of existing groundwater allocation to HDC's municipal supply. This is being progressed in parallel with this application and the approach has been developed in consultation with HDC and HBRC.

Issues

- 9. The Applicant is not presently aware of any gaps in the information provided with the substantive application.
- 10. The Project is not the same or similar to an activity previously lodged with a consent authority. Accordingly, there are no relevant section 92 RMA requests from an earlier application to address.
- 11. The Site is located within the Hastings Source Protection Zone and overlies the Heretaunga Plains aquifer system. Given the sensitivity of the drinking water source, including the context of the 2016 Havelock North Drinking Water Inquiry, the groundwater and source water protection approach has been developed in consultation with both HBRC and HDC and is supported

by a hydrogeological assessment, management measures and specific proposed conditions.

12. A separate application to transfer existing groundwater allocation associated with the Site to HDC's municipal water supply consent will be progressed with HBRC in parallel with this application. The transfer is subject to a separate statutory process under the RMA and does not form part of this application. The proposed consent conditions provide that no connection to HDC's water supply network, or occupation of dwellings, can occur until the transfer has been approved.
13. Other principal matters which may require further consideration through the Panel process are:
 - (a) residential development on rural zoned land and outside the area identified for urban growth in the Future Development Strategy;
 - (b) rural interface and reverse sensitivity effects;
 - (c) works within the Arataki Reserve land;
 - (d) stormwater and flooding effects; and,
 - (e) proposed conditions.
14. The Applicant will participate in targeted technical meetings or expert conferencing if this would assist in resolving or narrowing any discrete matters arising through the comments process.

Consultation/stakeholder engagement

15. Extensive pre-lodgement engagement has been undertaken with HDC, HBRC, the Department of Conservation (**DOC**), mana whenua and adjoining landowners. That engagement has informed the design, technical assessments and proposed conditions and has assisted in narrowing numerous matters prior to lodgement.
16. A Consultation Summary is provided in the application. The key matters arising through consultation were:
 - (a) groundwater and source water protection;
 - (b) Reserve land integration and Road 3 works;

- (c) water supply capacity and transfer of existing groundwater allocation;
 - (d) stormwater management, flooding and downstream effects;
 - (e) stream and wetland restoration outcomes;
 - (f) urban design, density and residential development framework;
 - (g) infrastructure servicing, vesting and long-term asset responsibilities;
 - (h) residential development on rural zoned land and outside the area identified for urban growth in the Future Development Strategy; and,
 - (i) adjacent landowner concerns, principally relating to rural interface effects, character and outlook, and changes to catchment flooding.
17. A comprehensive suite of proposed conditions has been lodged with the application. These conditions have been informed by engagement with HDC, HBRC and DOC. The Applicant will continue discussions on conditions where required.

Mātauranga and tikanga

18. Engagement with HDC and HBRC is continuing following lodgement, including in relation to groundwater and source water protection matters and the related proposed conditions.
19. The application is supported by a Cultural Impact Assessment prepared on behalf of Waipatu Marae and the Applicant has undertaken engagement with relevant mana whenua facilitated by Tamatea Pōkai Whenua.
20. The Applicant does not consider that specific mātauranga Māori or tikanga expertise is required on the Panel having regard to the key Project issues and matters raised in consultation to date, subject to any feedback from the Schedule 2 parties.

Panel membership

21. The Applicant considers that three Panel members would be sufficient to determine the application.
22. The Applicant does not consider that there are any factors warranting the appointment of more than four Panel members. The Project is not large in scale, does not raise novel or particularly complex issues, and no district,

regional, resourcing or iwi participation matters have been identified that would justify a larger Panel.

23. In addition to the Chair, and having regard to the matters outlined in this memorandum and the substantive application, the Applicant considers that Panel should comprise experts in:
- (a) planning/resource management; and,
 - (b) civil engineering.

Procedural requirements

24. The Applicant will engage directly with the Panel as required to assist with the efficient progression of the application.
25. It considers that an initial briefing to the Panel would be useful to provide an overview of the Project, the approvals sought, the technical assessments and the key matters addressed through pre-lodgement engagement.
26. Targeted expert conferencing may be useful following receipt of comments and the Applicant's response, if discrete technical matters remain unresolved. The Applicant does not presently consider that a wānanga is required, subject to feedback from the Schedule 2 parties.
27. The Applicant does not presently consider that mediation is required.
28. Based on the information currently available, the Applicant does not consider that a formal hearing is necessary. This position can be revisited following receipt of comments and identification of any matters requiring further resolution.
29. The Applicant is not aware of any other matters relevant to determining the decision timeframe or Panel composition.

Dated at Auckland on 24 September 2026.



C F Timbs

Counsel for Vermont Street Partners No.4 Ltd (Applicant)