



Brookvale Green

Brookvale Green

Residential Subdivision and Development

174 and 176 Brookvale Road, Havelock North

Fast Track Referral Consultation Summary Report

25 September 2025

B&A

Urban & Environmental

Prepared for:
Vermont Street Partners No. 4 Ltd

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1.0 Introduction

This Consultation Summary Report is provided in support of the Brookvale Green Residential Development Referral Application (**the Application**) submitted by Vermont Street Partners No 4. Ltd (**the Applicant** or **VSP**) to the Ministry for the Environment (**MfE**) for the referral of the Brookvale Green residential development and subdivision at 174 – 176 Brookvale Road, Havelock North under the Fast-track Approvals Act 2024 (**FTAA**).

The Applicant has undertaken comprehensive pre-application consultation and engagement with the following parties in accordance with Section 11 of the FTAA:

- The relevant local authorities pursuant to section 11(1)(a) including Hastings District Council (**HDC**) and Hawkes Bay Regional Council (**HBRC**).
- Relevant iwi authorities, hapū, and Treaty settlement entities pursuant to section 11(1)(b) including Te Taiwhenua o Heretaunga (Te Rūnanganui o Heretaunga); Ngāti Hāwea via Waipatu Marae; and Tamatea Pōkai Whenua (**TPW**).
- Relevant administering agencies pursuant to section 11(1)(e) including the Department of Conservation (**DOC**), and **MfE** in accordance with section 11 of the FTAA.

This consultation has informed the design of the development, servicing strategy, and the scope of and extent of supporting technical assessments. This Consultation Summary Report provides an overview and record of relevant consultation to date, and outlines how the consultation has informed the development.

The Applicant will continue to work with stakeholders as the project progresses, and on a more detailed basis at the substantive application process, should the application be successfully accepted for referral under the FTAA.

2.0 Local and Territorial Authorities

2.1 Hastings District Council

2.1.1 Consultation Summary

The Brookvale Green proposal was introduced and presented to HDC as follows:

- (1) The concept of development at the subject site, was first presented to HDC in VSP's submission on the Draft Napier Hastings Future Development Strategy (**Draft FDS**) on 18 December 2024 – refer to a copy of the submission in **Attachment G**. This sought that the land be included within the Draft FDS for the detailed reasons outlined in the submission. VSP attended the hearing to present its case and respond to the reasons provided in the Hearing Report to recommend the site's non-inclusion in the Draft FDS (a copy of VSP's detailed reasons and technical assessments is included in **Attachment H**). The Hearings' Panel ultimately rejected VSP's submission in its recommendation report on 9 May 2025, with limited specific and detailed response to VSPs submissions or technical reports. The final Napier Hastings Future Development Strategy (**Final FDS**) was adopted on 30 August 2025.

- (2) Following the hearing on the draft FDS, VSP including engineering representatives from Maven contacted HDC representatives on April 14 2025 (**Attachment A**) to set up a meeting on to discuss the development in more detail, in particular the servicing arrangements. Minutes from this meeting, held on 12 May 2025 – are included as **Attachment A**. This included general comments and feedback on Brookvale Green’s non-inclusion in the Draft FDS, roading and access, stormwater, wastewater and water supply. Representatives from HDC at this meeting also recommended that contact be made with [REDACTED] (Environmental Policy Manager) and [REDACTED] (Environmental Policy Team Leader) to discuss possible approval pathways, including a private plan change and fast track approval under the FTAA.
- (3) The applicant requested a meeting to discuss the project and possible approval pathway with HDC’s Environmental Policy Manager – [REDACTED].
- (4) [REDACTED] responded to the request for a meeting and sent an invitation on Monday 9 June 2025 for a combined virtual and teams meeting to take place on 18 June 2025 (**Attachment A**). In the invitation HDC suggested it would be helpful to understand preliminary discussions with technical experts that had taken place with respect to infrastructure and transport matters. The meeting was scheduled prior to an approval pathway was confirmed.
- (5) A meeting was held on 18 June 2025, and was attended by several HDC staff members, including [REDACTED] (Policy Team Leader), [REDACTED] (Policy Planner), [REDACTED] (Transport Manager), and [REDACTED] (3 Waters Growth & Development Manager). Planning Consultants and Engineering Consultants attended the meeting on behalf of, and with, the Applicant. The Applicant and technical experts stepped through the technical assessments of the proposal and the preliminary findings, responding to questions from HDC staff as they arose. General discussion was then had on iwi/hapu engagement, and the relevance of new and amended national direction before HDC provided their initial feedback.
- (6) The agreed final minutes are attached as **Attachment A**. Key feedback from HDC during this meeting can be summarised as follows:
 - (a) Commercial components should be considered for project as the site is not located close to commercial nodes.
 - (b) Reverse sensitivity and acoustic assessment is recommended.
 - (c) Compelling economic evidence is necessary with consideration of national direction to provide for housing where opportunities arise given the recent Draft FDS process did not include the site.
 - (d) A peer review is likely of the economic assessment.
- (7) Following the meeting HDC, sent an email response dated 23 June 2025 (see **Attachment A**) stating the following:

“While it is entirely up to you, we think, because of the recent FDS process, the best approach would be to use the fast track application process pathway for this proposal. However, if you were to lodge a private plan change, we can advise now that we would be unlikely to adopt this as a Council initiated plan change under clause 25 of the RMA even with a supportive economic assessment.”

Following this, the Applicant determined in mid-July to proceed on the basis of a fast track referral under the FTAA rather than a private plan change.

Opportunity for HDC to provide feedback on advanced drafts

(8) Following the decision to proceed with a fast track referral application, contact was again made with HDC to advise this course of action and to arrange for the updated masterplan, and advanced drafts of technical reports to be provided to HDC for comment as part of the consultation process. These were shared with HDC on 13 and 14 August 2025 – see **Attachment A**. The provision of feedback was originally scheduled for 20 August 2025, but HDC sought an extension until 22 August 2025 to provide more detailed feedback. This extension was confirmed.

(9) Subsequently a memorandum was received from HDC dated 22 August 2025 providing a summary of feedback comments, including those addressing:

- (a) Consent planning comments;
- (b) Hastings District Plan zoning
- (c) Consultation with Iwi Authorities
- (d) Policy/growth planning comments (Draft FDS)
- (e) Assessment of environmental effects;
- (f) Reserves Park comments;
- (g) Three waters infrastructure comments; and
- (h) Transportation comments.

A separate memorandum was prepared by HDC's Development Engineer.

(10) These memorandums are attached as **Attachment A**. Key feedback can be summarised as follows:

- (a) Querying the future ownership and access arrangements for the HDC owned land located at the western boundary, noting that some of it is vested as Local Purpose (Amenity) Reserve.
- (b) Considers there is a high likelihood of soil contamination due to land use activities, potential that existing buildings contain asbestos.
- (c) Considers a geo-hydrological report is necessary to consider the impacts of the development on the groundwater resource.
- (d) Specified iwi authorities whereby consultation is considered necessary.
- (e) Provided a summary of the recent Draft FDS process and the reasons for the exclusion of this site.
- (f) Concern about the impact on the productive (LUC3) land contained within the site.
- (g) Concern about the projects impact on a defensible urban boundary.
- (h) In addition to the above HDC considered the number of technical assessments would be necessary to inform the application.
- (i) Comments received by the HDC Reserves/Parks team that included:
 - (i) Interest in the proposed road (3) interface with the adjoining HDC reserve land and need to clarify legal matters.

- (ii) Support for potential connectivity link to CDL land.
- (iii) Need to specify the intended functions of reserves to be vested.
- (iv) Opportunity to incorporate 'play nodes' within the subdivision.
- (j) Comments from the Three Waters Infrastructure and Transportation Team included:
 - (i) Confirmed no capacity constraints with water and wastewater.
 - (ii) Raised access to the infrastructure (pump station, pond, wetlands) during emergency events as a single point of entry and exit as a potential concern.
 - (iii) Questions regarding the potential for flooding on the land and how the development will affect properties downstream.
 - (iv) Highlighted the need to consider second transportation link as alternative access route for emergencies.

2.1.2 How Pre-Application Consultation has Informed this Referral Application

The following provides a summary of how the project has been informed from the consultation with HDC. For ease of reference, the subtitles below align with those included in the HDC feedback (**Attachment A**).

Consultation with Iwi Authorities

- Further information regarding iwi and hapu consultation is provided in Section 3.0 below.
- Consultation with Tamatea Pōkai Whenua commenced in May 2025, a full description of this consultation is included in Section 3.0 below. A Cultural Impact Assessment (**CIA**) has been prepared by Tamatea Pōkai Whenua on behalf of Waipatu marae, Ngāti Hinemoa, Ngāti Hori and Ngāti Hawea, this is included as Appendix 14 to the main application report.
- HDC identified the need to consult with Te Taiwhenua o Heretaunga (Te Rūnanganui o Heretaunga). This was an additional party to the previous groups and parties advised to the Applicant from HDC in previous meetings. In response to this recommendation the Applicant immediately initiated engagement with representatives of Te Taiwhenua o Heretaunga (Te Rūnanganui o Heretaunga). This was first initiated with a discussion with a representative from Te Taiwhenua o Heretaunga on 25 August 2025, followed by an email addressed to Marei Apatu which included the CIA and a copy of the Master Plan and an invitation to comment on the project (**Attachment C**).
- Separate to the above, additional discussions were had between representatives on behalf of the Applicant with [REDACTED], the author of the CIA on behalf of Waipatu Marae. Mr [REDACTED] verbally confirmed that he had communications with representatives from Te Taiwhenua o Heretaunga (Te Rūnanganui o Heretaunga) during the preparation of the CIA, with there being agreement that Waipatu Marae, with endorsement from Tamatea Pokai Whenua, were best placed to prepare a CIA for the development. [REDACTED] provided a follow up text message, confirming that he will get confirmation of this via email from representatives from the Taiwhenua – see text comms attached in **Attachment C**. The Applicant is committed to continuing to consult with relevant iwi and hapu groups, including Te Taiwhenua o Heretaunga (Te Rūnanganui o Heretaunga), and will continue to follow up

post lodgment of the referral application to confirm the understanding confirmed by Mr Tomoana.

- HDC identified the project area as bordering Karanema Reserve recommending consultation with Ngā Uri o Te Heipora as a whānau grouping with mana whenua status over the Karanema Reserve. This recommendation is acknowledged, however it is considered that as the Brookvale Green development does not reside within the Reserve area, it was not directly necessary to contact this party under the relevant Section 11 FTAA requirements. Nevertheless, it is highlighted that Karanema Reserve is detailed within the CIA, which concludes that no significant cultural barriers are identified for the application in terms of cultural effects.
- HDC listed the planning documents recognised by the relevant iwi authority. These documents are acknowledged by the Applicant, and an assessment against them will be provided, should the application be accepted for referral and proceed to a substantive application, however, considering the purposes of the Referral Application, the CIA provides the most relevant assessment.

Policy/Growth Planning Comments (FDS)

- HDC comments with respect to the draft FDS are acknowledged. As noted in Section 2.1.1(1) above, the Applicant comprehensively engaged in the FDS process to request that the Brookvale Green landholdings be included. Despite the area of land scoring highly on the Councils' own Multi Criteria Analysis, and the Applicant providing preliminary technical assessments (including assessment of land use capability and servicing arrangements) the landholdings were not recommended for inclusion.
- Nevertheless, the proposal has been assessed against required National Policy Statement on Urban Development (**NPS-UD**) within the Referral Application in accordance with section 22(2)(a)(iii) of the FTAA and the conclusion is that it will provide additional residential housing to address the shortfall identified in the final FDS, noting the complications and uncertainty related to the inclusion or exclusion of 3 specific sites (Riverbend Road – NC4b, Middle Road HN3a and HN3b and Wall Road – H5). This is further outlined and discussed within the Economic Assessment within Appendix 4 of the Referral Application.
- Notwithstanding the preliminary assessment undertaken within the Referral Application, it is anticipated that further more detailed assessment of the relevant strategic documents including the final FDS as appropriate will be undertaken as part of the substantive application should the project be referred.

AEE

- The Referral Application includes an Urban Design memorandum (see Appendix 15) which responds directly to the matters raised by HDC in relation to the defensible urban boundary, site sizes and the suggestion to include play nodes.
- The Referral Application is supported by ecological, infrastructure, geotechnical, urban design, landscape, transport, soil, cultural impact, economic and contamination technical memorandum's which will be expanded upon should the application be referred to substantive stage.

- Respectfully, it is considered that an acoustic assessment is not necessary and the reverse sensitivity effects of the proposal have been assessed as part of the AEE. It is noted that a landscape buffer is proposed for the south-eastern and western boundary and a stream buffer is included for the northern boundary which we consider to provide sufficient separation from surrounding productive land use activities.
- Similarly, it is considered that an archaeological assessment is necessary. The project area does not include any known archaeological site, heritage site or site of significance to Māori and the CIA has not indicated anything to the contrary. It is highlighted that the meeting minutes (**Attachment A**) recorded that HDC was happy for Tamatea Pōkai Whenua to signal whether an archaeological assessment was required. No such request or recommendation has been made within the confirmed CIA, and it is therefore concluded that an archaeological assessment is not required.

Reserves Park Comments

- HDC's comments regarding the HDC owned strip at the western boundary (Lot 3 – 4 DP 481968) are acknowledged. They highlight the need to clarify the ownership and access arrangements for this site, and how the road-reserve edge will be treated. The Applicant agrees that such information is necessary to be provided as part of the substantive application and will do so should the project be referred. The Referral Application includes this matter as an approval by other parties needed to authorise the project.
- HDC supports in principle the identified potential connectivity through the HDC reserve strip to the CDL site and recommends further consultation with HDC and the CDL land owner be undertaken. The proposed development has been designed to enable future connections to the CDL site. The Applicant remains committed to on-going consultation with CDL and HDC's Reserves and Parks Team.
- HDC also requested further details regarding proposed pedestrian access and reserves to vest. The Applicant identified indicative areas on the Land Vesting Plan (**Attachment A**) including intended functions, maintenance responsibilities etc. Final areas to vest will be refined with necessary consultation with HDC, should the project be referred.

Three Waters Infrastructure Comments & Transportation Comments

- The location of the project area within the TANK source water protection is acknowledged by the Applicant. The supporting Infrastructure Assessment Memorandum and Ecological Assessment Memorandum have provided high level commentary regarding the potential of the proposed development to impact the groundwater resource. Geo-hydrological assessment will be prepared as part of the substantive application should the project be referred.
- The Infrastructure Memorandum includes responses to the technical matters raised by the HDC Engineering team in relation to three waters.
- In terms of a secondary access, an indicative roading connection through to Arataki Road via the CDL site is shown on the Master Plan. Consultation with the CDL land owner is ongoing and will continue, should the application be successfully referred.

2.2 Hawkes Bay Regional Council

2.2.1 Consultation Summary

The Brookvale Green proposal was introduced and presented to HBRC as follows:

- (1) A meeting was arranged via email between HBRC staff and the Applicant on 11 August 2025. This meeting was attended by a representative for the Applicant, representatives from B&A and HBRC representatives. Prior to the meeting a *HBRC Preapplication work agreement form* was submitted (see **Attachment B**) and a copy of the draft Brookvale Green Master Plan was circulated to HBRC staff prior to the meeting. B&A provided an overview of the project and a summary of key technical assessments, particularly in relation to stormwater infrastructure and ecological matters. A discussion was then had on the potential consenting requirements of the proposal under the Hawkes Bay Regional Resource Management Plan (**RRMP**) and TANK Plan Change 9 (**PC9**). At the meeting the HBRC indicated that the effect of the proposal on groundwater would be a key consideration due to the site's location within HDC's water source protection zone.

Opportunity for HBRC to provide feedback on advanced drafts

- (2) Advanced drafts of technical memorandums and the Brookvale Green Conceptual Master Plan and Lot Layout Plan were circulated to HBRC representatives on 13 and 14 August 2025 for review and comment. A deadline of 20 August 2025 was originally outlined for feedback, but HBRC requested that an extension to the feedback timeframe until 22 August which was agreed to by the Applicant (**Attachment B**).
- (3) Feedback from HBRC was received on 21 August 2025 (**Attachment B**) and is summarised as follows:
 - (a) Highlighting that the project area is not included within the draft FDS noting that this does not prevent development of the site but confirming that assessment against key strategic planning considerations, including the FDS and objectives and policies of the Regional Policy Statement (RPS) are necessary.
 - (b) Noting the LUC3 classification of the site, acknowledging the Ministers intent to remove LUC3 from the National Policy Statement for Highly Productive Land (NPSHPL) but that this has not been passed into legislation yet. Confirming that HBRC has not yet publicly notified maps of highly productive land in the RPS.
 - (c) Confirming that PC9 has legal effect but is subject to Environment Court appeals. Noting that in addition to the RRMP and PC9 are likely to apply to discharges of contaminants to land and water. Noted that the site is within a source protection zone – a zone to manage contaminants and potential impacts on source of human drinking water.
 - (d) The HBRC Engineering Team identified no significant issues with the proposal in principle. However, they did raise a number of questions in relation to the design, sizing and potential effects, including flooding of the engineering design which they would expect as part of the substantive application. They also recommended that the design and construction was in accordance with HBRC Guidelines.

- (e) They provided high level comments regarding ecological matters and stated their expectation that the onsite stormwater management would be expected to contribute towards achieving the target water quality outcomes set in TANK (PC9) Schedule 26.
- (f) The following consenting comments were also provided:
 - (i) Recommended careful consideration be given to ensure drinking water is not impacted, particularly in regard to discharges of stormwater.
 - (ii) The project should ensure that stormwater does not degrade the quality of water ways and ideally have a positive contribution to improve water quality.
 - (iii) Based on the information provided, included a list of the consent triggers of the RRMP and TANK (PC9) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
 - (iv) HBRC also included reference to a similar type of development approved under the fast-track (COVID-19 Recovery (Fast-track Consenting) Act 2020) and the draft conditions which were agreed to between the Applicant and HBRC for reference.

2.2.2 How Pre-Application Consultation has Informed this Referral Application

The following provides a summary of how the project has been informed from the consultation with HBRC. For ease of reference, the subtitles below align below align with those included in the HBRC feedback (**Attachment B**).

Policy and Planning

- HBRC's comments on the Draft FDS are acknowledged and have already been addressed within the Referral Application and Section 2.2 above.

Land Use Capability

- HBRC's comments regarding the LUC classification and signal from the Ministers to remove LUC3 from the NPSHPL are acknowledged. The AEE includes an assessment of the effects on highly productive land and a Soils Assessment (Appendix 8 to the Referral Application) has been included for the Referral Application.

TANK PPC9

- HBRC's comments regarding the status of TANK PC9 are acknowledged, and consents necessary have been included in section 4.1 of the Referral Application. The Maven Infrastructure Memorandum (Appendix 6 of the Referral Application) confirms that future stormwater management will address provisions TANK.

Engineering

- A response to the matters raised in the Engineering feedback has been included in the Maven Infrastructure Memorandum (Appendix 6 of the Referral Application).

Ecology

- A response to the matters raised in the Ecology feedback has been included in the Ecology Memorandum (Appendix 5 of the Referral Application).

Consenting

- HBRC's summary of likely consent triggers is appreciated and this has been reflected in the list of likely approvals required in the Referral Application.

3.0 Iwi/ Hapū

3.1 Consultation Summary

- (1) The Applicant initiated engagement with Tamatea Pōkai Whenua in May 2025, following direction from HDC's Growth and Development Advisor on the most appropriate contacts (**Attachment A**).
- (2) A copy of the correspondence between the Applicant, Nia Belcher and Dianne Smith as representatives for Tamatea Pōkai Whenua is included as **Attachment C**. A site visit was arranged for 12 June 2025, the invitation of which was extended to Kohupatiki, Te Heipora Trust, Ruahapia, and Matahiwi Marae. A copy of the concept for the project was attached to the email invite. The site visit took place on 12 June 2025. No formal feedback was received.
- (3) Following the site visit, a hui was arranged and took place at Waipatu Marae on 14 July 2025. The takeaway from this hui by the Applicant was that there were three key issues Tamatea Pōkai Whenua and the Applicant were collectively interested in, being ecology, environmental and cultural (names and history that surround the land) effects. Correspondence following this hui concerned the preparation (including koha) of a CIA by [REDACTED]. An offer was extended by the Applicant to meet and provide further information necessary to facilitate the preparation of the CIA however this was not taken up.
- (4) The CIA was provided to the Applicant on Monday 25 August 2025 and is attached as **Attachment C**. The following provides a summary of the assessment of cultural effects identified in the CIA from a Waipatu marae, Ngāti Hinemoa, Ngāti Hori, and Ngāti Hawea perspective:
 - (a) **Positive effects** are possible if local waterways (**Te Karituwhenua, Mangateretere, Herehere** and others) are enhanced and not degraded.
 - (b) **No insurmountable cultural barriers are identified**, provided environmental and heritage values are protected.
 - (c) Opportunities exist for **mana whenua visibility** through street and place naming after tīpuna associated with original Te Mata ownership.
- (5) The methodology notes that it has been written exclusively for Waipatu Marae, Ngāti Hinemoa, Ngāti Hori and Ngāti Hawea but due to timeframes other marae or entities were not consulted with, however it is signalled that further consultation and inclusion of their view would occur in due course. The Applicant is committed to further consultation in this regard, and would address this further, should the application be successfully accepted to progress to the substantive application stage.

3.2 How Pre-Application Consultation has Informed this Referral Application

The following provides a summary of how the project has been informed from the consultation:

- The Applicant has established relationships with Tamatea Pōkai Whenua and Waipatu Marae and will continue to engage and consult with mana whenua throughout the application and development process, including the substantive application, should the Referral Application be accepted.
- The Applicant acknowledges the assessment of cultural effects identified above, in particular agrees with the positive effects associated with the development possible in terms of ecological enhancement of waterways. This has been discussed in the Ecology Memorandum (Appendix 5 of the Referral Application) with the application.
- The Applicant looks forward to working together further on mana whenua visibility, particularly relating to the naming of the restored streams within the development and sharing of historical kōrero within proposed open spaces within the development. Department of Conservation (DoC)

4.0 Department of Conservation

4.1 Consultation Summary

- (1) Approval under section 53 of the Wildlife Act 1953 is being sought on a conservative and precautionary basis for the handling or incidental harm of indigenous lizards that may be present within the site.
- (2) The Ecological Assessment, (refer Appendix 5 of the Referral Application) confirms that habitat assessments for lizards identified a lack of suitable conditions, as the site lacks the structural vegetation and ground cover necessary to support indigenous skink or gecko populations. However, with an abundance of caution, the Ecological Assessment has recommended a Lizard Management Plan be developed and implemented due to the possibility of lizard presence even in the low-quality habitats—common in modified environments.
- (3) A request for a pre-lodgement meeting with DoC was made on 14 August 2025, which included access to the relevant information (including a preliminary Ecology Report and Master Plan). DoC confirmed receipt of this request (**Attachment D**) and sent an initial estimate invoice on Friday 22 August which was paid by the applicant the same day.
- (4) A meeting was held on 8 September and was attended by DoC Hawkes Bay Community Team representatives, the Statutory Manager for lower North Island and a representative Consultant as well as representatives of the Applicant. The purpose of this meeting was for introductions, preliminary feedback and to discuss next steps and timeframes. In terms of preliminary feedback, DoC were supportive of the conservative ecological approach taken for the project.
- (5) A Fast- Track Pre-Lodgement Consultation Summary was received on 24 September 2025 (Attachment D). Below outlines key matters included under the corresponding subheadings of the report.

DoC Commentary on Fast Track approvals and permissions

- (6) DoC provided Commentary on Fast Track approvals and permissions identified. The comments confirmed receipt of the Technical Memorandums, including the Ecology Memo which includes a summary of the ecological baseline, including terrestrial habitats, watercourses, natural inland wetlands and fauna as well as a preliminary assessment of ecological effects.
- (7) The commentary outlined the purpose of Wildlife Approvals to authorise acts that would otherwise be an offence under the Wildlife Act (1953). It noted that there are no mandatory information requirements in respect of wildlife approvals at the referral stage but provided recommendations of matters the applicant should be aware of, including;
 - o The approval requirements under the Freshwater Fisheries Regulations;
 - o That culverts should be designed in accordance with New Zealand fish passage guidelines and that any culverts required as part of the Brookvale Green project would require a complex freshwater fisheries activity approval.

Treaty Partners and Treaty Settlement implications/considerations:

- (8) DoC encourages the applicant to engage directly with the Treaty partners with interests in the project area.
- (9) DoC note the project site is subject to the Heretaunga Tamatea Claims Settlement Act 2018 and consider that while the site is to the east of the Statutory Acknowledgment Area (Tukituki River and its tributaries), bulk earthworks have some potential to impact the river and they encourage the applicant to engage directly with iwi.

Potential Resource Management Act (RMA) considerations and effects

- (10) DoC advise that the relevant biodiversity and environmental effects should be considered as part of the full and comprehensive AEE as part of the substantive application and should specifically address the presence and management of aquatic fauna, avifauna, lizards, bats and ecological values.
- (11) They also advise that the downstream effects of the catchment should be considered and note that the Clive and Ngaruroro Rivers are currently going through a water conservation order process.
- (12) DoC confirm that further advice can be provided during any pre lodgement consultation on the substantive application.

DoC Statutory Planning Document considerations in relation to the site

- (13) DoC has identified the proposal as inconsistent with the following provisions within the Hawke's Bay Conservation Management Strategy 1994 (HBCMS):

3.5.2 Protected Animals (Birds)

Implementation

ix The disturbance, removal or taking of any live native birds protected under the Wildlife Act will not be allowed, except for specific conservation management reasons (see Section 3.6.4).

3.5.3 Protected Animals (Other Species)

Implementation

iii The disturbance, removal or taking of any live native animal protected under the Wildlife Act will not be allowed, except for specific conservation management reasons (see Section 3.6.4).

3.6.4. Taking of plants and animals

Objectives

i To permit appropriate requests for taking of live native animals protected under the Wildlife Act, only for conservation management reasons.

(14) Other than the above, DoC consider the proposal is not inconsistent with other relevant statutory planning provisions but recommend consideration is given to:

- Maintaining any existing ecological corridors
- Protecting or rehabilitating any wetlands
- Maintaining native animal species including freshwater fisheries values
- Providing for fish passage

Any specific information requests to applicant(s)/agent for pre-app engagement at this point

(15) DoC encourages the Applicant to engage further with DoC prior to lodging a substantive application.

Additional Notes

(16) DoC encourages the Applicant to share draft substantive application documents, should the application be referred and notes that DoC is unable to request further information once a completeness check is commenced by the EPA.

(17) DoC notes that a panel will invite the statutory bodies listed in clause 4 of Schedule 7 to comment on the application (NZCA, conservation boards, Fish and Game Council, and Game Animal Council) and encourages the applicant to engage with these bodies in advance to filing a substantive application.

4.2 How Pre-Application Consultation has Informed this Referral Application

The following provides a summary of how the project has been informed from the consultation with HBRC. For ease of reference, the subtitles below align with those included in the DoC Fast-Track Pre-Lodgement Consultation Summary (**Attachment D**)

DoC Commentary on Fast Track approvals and permissions

(18) DoC's direction on matters to be aware of should the application be referred is appreciated and the approval requirements listed will be addressed as part of the substantive application, should the project be referred.

Treaty Partners and Treaty Settlement implications/considerations:

(19) Section 3.0 above summarises the engagement which has occurred with Tamatea Pōkai Whenua, Waipatu Marae and others as outlined above.

(20) The Referral Application acknowledges that the site is located within the Statutory Acknowledgement Area of Interest of the District Plan Maps and includes an assessment as per sections 7 and 16 of the FTAA in Section 9.0. We note that the District Plan Map layer

identifies the broad geographic region identified in the Treaty Settlement as being of historic, cultural or traditional significant to an iwi, in this case Heretaunga Tamatea.

- (21) DoC have noted that the site is located to the east of the Statutory Acknowledgment Area Tukituki River and its Tributaries (shown on OTS-110-30 in the Attachments of the Deed of Settlement) but that bulk earthworks have some potential to impact the river and they encourage the applicant to engage directly with iwi.
- (22) Section 3.0 of this report summarises the engagement that has taken place with iwi to date and includes the provision of a Cultural Impact Assessment whereby it was concluded that the proposal has the potential to result in positive cultural effects if local waterways (Te Karituwhenua, Mangateretere, Herehere and others) are enhanced and not degraded.
- (23) The Applicant acknowledges the Statutory Acknowledgment provides a formal acknowledgement of the relationship that Heretaunga Tamatea has with the Tukituki River and are committed to continual engagement with Tamatea Pōkai Whenua as the Post Settlement Governance Entity for Heretaunga Tamatea. The Applicant appreciates DoC signalling that bulk earthworks have the potential to affect the Tukituki River and its tributaries, and will provide earthworks plans to Tamatea Pōkai Whenua for their consideration and determination of effects, should the application be referred.

Potential Resource Management Act (RMA) considerations and effects

- (24) The Applicant acknowledges DoC's direction to address relevant biodiversity and environmental effects in the AEE for the substantive application, including potential downstream impacts on the Clive and Ngaruroro Rivers, which are currently going through a water conservation order process. The Referral Application includes a stormwater assessment which concludes that the proposal is able to be sufficiently serviced in respect of stormwater, wastewater, and water supply and that no adverse effects are anticipated. Measures to manage sediment and erosion will be installed in accordance with local guidelines and address erosion and sediment control during site preparation and construction. The Applicant will further address these matters in the substantive application should the project be referred and appreciates DoC's offer for further advice during pre-lodgement consultation.

DoC Statutory Planning Document considerations in relation to the site

- (25) The Applicant appreciates DoC's analysis of the Hawke's Bay Conservation Management Strategy 1994 (HBCMS). DoC has noted where the proposal is inconsistent with provisions of the Strategy, which preclude *the disturbance, removal or taking of any live native birds or animals protected under the Wildlife Act will not be allowed, except for specific conservation management reasons*.
- (26) The Ecological Assessment (refer Appendix 5 of the Referral Application) confirms that habitat assessments for lizards identified a lack of suitable conditions, as the site lacks structural vegetation and ground cover necessary to support indigenous skink or gecko populations. However, it was recommended a Lizard Management Plan be developed under an abundance of caution.
- (27) Therefore, the proposal is unlikely to result in the disturbance, removal, or taking of any live native birds or animals protected under the Wildlife Act, but the necessary Management Plan's will be in place in the event this occurs.

Any specific information requests to applicant(s)/agent for pre-app engagement at this point & Additional Notes

(28) The Applicant appreciates DoC's suggestion to engage further with DoC should the application be referred, including the sharing of draft application documents. The Applicant also notes the suggestion to engage with statutory bodies listed in clause 4 of Schedule 7 prior to lodging the substantive application should the project be referred.

5.0 Ministry for the Environment (MfE)

5.1 Consultation Summary

- (1) A request to complete the Section 11 consultation requirements with MfE was sent on 21 August 2025 (**Attachment E**). MfE responded on that same day acknowledging receipt of the request and provided a pre-lodgement consultation letter on 27 August 2025 (refer **Attachment E**).
- (2) The letter confirmed that an assessment against any relevant national policy statement, national environmental standards and if relevant, the New Zealand Coastal Policy Statement. A summary on the national direction made under the RMA was then included.

5.2 How Pre-Application Consultation has Informed this Referral Application

- (1) The Ministry's direction is appreciated and the Referral Application includes an assessment against the relevant national direction.

6.0 Consultation with Neighbouring Properties

- (2) While not a specific requirement of Section 11 of the FTAA, the Applicant has begun engaging with the neighbouring properties, including sending a copy of the proposed Master Plan and providing opportunities to meet and discuss the proposed Brookvale Green development. Written support has been received by CDL who adjoin the site to the west and is attached (**Attachment H**).
- (3) Consultation with remaining neighbouring owners is ongoing, and will continue, should the application be successfully accepted for referral and eventual substantive application preparation.